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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS-2008-0071]

Privacy Act of 1974: Implementation of Exemptions; Immigration and Customs Enforcement (ICE) Pattern Analysis and Information Collection (ICEPIC) System

AGENCY: Privacy Office, DHS.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security is issuing a final rule to amend its regulations to exempt portions of a new system of records entitled the "Immigration and Customs Enforcement (ICE) Pattern Analysis and Information Collection (ICEPIC) System" from certain provisions of the Privacy Act. Specifically, the Department exempts portions of the ICEPIC system from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

DATES: *Effective Date:* This final rule is effective August 18, 2008.

FOR FURTHER INFORMATION CONTACT: Lyn Rahilly, Privacy Officer, U.S. Immigration and Customs Enforcement, 425 I Street, NW., Washington, DC 20536, e-mail: ICEPrivacy@dhs.gov, or Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

Background

The Department of Homeland Security (DHS) published a notice of proposed rulemaking in the **Federal Register**, 73 FR 5460 (Jan. 30, 2008), proposing to exempt portions of the

system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements. The system of records is the ICE Pattern Analysis and Information Collection (ICEPIC). The ICEPIC system of records notice (SORN) was published concurrently in the **Federal Register**, 73 FR 5577 (Jan. 30, 2008), and comments were invited on both the proposed rule and SORN. Six comments were received. All commenters were generally in favor of implementation of the rule as proposed. Accordingly, the Department is adopting the proposed rule as final. Concurrently in this issue of the **Federal Register**, ICE is re-publishing the SORN for ICEPIC to address comments received through the **Federal Register** comment procedure. Given no changes were made to the rule or the SORN, Privacy Impact Assessment for ICEPIC dated January 30, 2008, remains accurate and is posted on the Department's privacy Web site. (See <http://www.dhs.gov/privacy> and follow the link to "Privacy Impact Assessments").

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, DHS certifies that these regulations will not significantly affect a substantial number of small entities. The final rule imposes no duties or obligations on small entities. Further, in accordance with the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, DHS has determined that this final rule would not impose new record keeping, application, reporting, or other types of information collection requirements.

Public Comments

ICE received and considered the public comments, which are discussed further below, and concluded that no substantive changes to the rule are warranted at this time. While all comments were in favor of the proposed rule, two commenters also raised specific concerns related to this system of records, which are addressed below.

One commenter expressed concern that individuals would be unable to ensure their personal information in ICEPIC is accurate unless they are permitted access to their records. Other means exist to verify the accuracy of ICEPIC data and ensure that incorrect data is not used to prejudice that individual. ICEPIC users are trained to

verify information obtained from ICEPIC before including it in analytical reports that will be used during investigations or shared with government personnel outside of ICE. Verification procedures include direct queries to the source databases from which ICEPIC originally obtained the information, queries of commercial or other government databases, and ICE agent interviews with individuals or others who are in a position to confirm the ICEPIC data. These procedures mitigate the risk posed by inaccurate data in the system and raise the probability that such data will be identified and corrected before any action is taken that would prejudice an individual. In addition, the source systems from which ICEPIC obtains information may, themselves, have mechanisms in place to ensure the accuracy of the data prior to the information being accessed through ICEPIC.

Another commenter, while in favor of the system, expressed these concerns as follows:

"By limiting access to a small number of people, power and responsibility may be monopolized in the hands of some who are never given a system of checks and balances over their power. The only other concern that I have is that, as domestic and international security policies and concerns shift over time, this proposed rule change will be stagnant. I would propose then that this rule be revisited in the coming years as security threats continue to fluctuate."

To ensure the system contains appropriate checks and balances to oversee those who have access to ICEPIC information, ICE has established appropriate controls and safeguards that provide oversight of authorized ICEPIC users. All user activity is audited and subject to periodic review to identify unauthorized use or activity. ICE investigates instances of unauthorized or inappropriate access or use of the system and takes appropriate disciplinary actions where violations have occurred. The commenter also recommended a review of this system in the future because "security threats continue to fluctuate." ICE and DHS continue to exercise diligence in the response to the evolving threat environment. Should there be a need to substantially alter this system in the future, similar public notice and an

opportunity to comment will be provided.

Regulatory Requirements

A. Regulatory Impact Analyses

Changes to Federal regulations must undergo several analyses. In conducting these analyses, DHS has determined:

1. Executive Order 12866 Assessment

This rule is not a significant regulatory action under Executive Order 12866, "Regulatory Planning and Review" (as amended). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB). Nevertheless, DHS has reviewed this rulemaking, and concluded that there will not be any significant economic impact.

2. Regulatory Flexibility Act Assessment

Pursuant to section 605 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), DHS certifies that this rule will not have a significant impact on a substantial number of small entities. The rule would impose no duties or obligations on small entities. Further, the exemptions to the Privacy Act apply to individuals, and individuals are not covered entities under the RFA.

3. International Trade Impact Assessment

This rulemaking will not constitute a barrier to international trade. The exemptions relate to criminal investigations and agency documentation and, therefore, do not create any new costs or barriers to trade.

4. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), (Pub. L. 104-4, 109 Stat. 48), requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. This rulemaking will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) requires that DHS consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information it conducts, sponsors, or requires through regulations. DHS has

determined that there are no current or new information collection requirements associated with this rule.

C. Executive Order 13132, Federalism

This action will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government, and therefore will not have federalism implications.

D. Environmental Analysis

DHS has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4347) and has determined that this action will not have a significant effect on the human environment.

E. Energy Impact

The energy impact of this action has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Public Law 94-163, as amended (42 U.S.C. 6362). This rulemaking is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

■ For the reasons stated in the preamble, DHS amends Chapter I of Title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. The authority citation for part 5 continues to read as follows:

Authority: Pub. L. 107-296, 116 Stat. 2135, 6 U.S.C. 101 *et seq.*; 5 U.S.C. 301. Subpart A also issued under 5 U.S.C. 552.

■ 2. At the end of appendix C to part 5, add the following new paragraph 6 to read as follows:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

6. The Immigration and Customs Enforcement (ICE) Pattern Analysis and Information Collection (ICEPIC) System consists of electronic and paper records and will be used by DHS and its components. ICEPIC is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to: The enforcement of civil and criminal laws (including the immigration law); investigations, inquiries, and proceedings there under; and national security and intelligence activities. ICEPIC contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other Federal, State, local, tribal,

foreign, or international government agencies.

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act, portions of this system are exempt from 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5) and (e)(8); (f), and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in those subsections: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f). Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) and (4) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of the investigation, and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(b) From subsection (d) (Access to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, to the existence of the investigation, and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an impossible administrative burden by requiring investigations to be continuously reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(c) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of Federal law, the accuracy of information obtained or introduced occasionally may be unclear or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(d) From subsection (e)(2) (Collection of Information from Individuals) because requiring that information be collected from the subject of an investigation would alert the subject to the nature or existence of an investigation, thereby interfering with the related investigation and law enforcement activities.

(e) From subsection (e)(3) (Notice to Subjects) because providing such detailed information would impede law enforcement in that it could compromise investigations by: revealing the existence of an otherwise confidential investigation and thereby provide an opportunity for the subject of an investigation to conceal evidence, alter patterns of behavior, or take other actions that could thwart investigative efforts; reveal the identity of witnesses in investigations, thereby providing an opportunity for the subjects of the investigations or others to harass, intimidate, or otherwise interfere with the collection of evidence or other information from such witnesses; or reveal the identity of confidential informants, which would negatively affect the informant's usefulness in any ongoing or future investigations and discourage members of the public from cooperating as confidential informants in any future investigations.

(f) From subsections (e)(4)(G) and (H) (Agency Requirements), and (f) (Agency Rules) because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, and potential witnesses, and confidential informants.

(g) From subsection (e)(5) (Collection of Information) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Compliance with (e)(5) would preclude DHS agents from using their investigative training and exercise of good judgment to both conduct and report on investigations.

(h) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS' ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal, and could result in disclosure of investigative techniques, procedures, and evidence.

(i) From subsection (g) to the extent that the system is exempt from other specific subsections of the Privacy Act relating to individuals' rights to access and amend their records contained in the system. Therefore DHS is not required to establish rules or procedures pursuant to which individuals may seek a civil remedy for the agency's: Refusal to amend a record; Refusal to comply with a request for access to records; failure to maintain accurate, relevant timely and complete records; or failure to otherwise

comply with an individual's right to access or amend records.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-19033 Filed 8-15-08; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1 and 33

[Docket No.: FAA-2007-27899; Amendment No. 33-25]

RIN 2120-AI96

Airworthiness Standards: Rotorcraft Turbine Engines One-Engine-Inoperative (OEI) Ratings, Type Certification Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The Federal Aviation Administration (FAA) is amending the One-Engine-Inoperative (OEI) rating definitions and type certification standards for 30-second OEI, 2-minute OEI, and 30-minute OEI ratings for rotorcraft turbine engines. This action revises the ratings' standards to reflect recent analyses of the ratings' use and lessons learned from completed engine certifications and service experience. This rule harmonizes FAA type certification standards for these ratings with the requirements of the European Aviation Safety Agency in the Certification Specifications for Engines and with proposed requirements for Transport Canada Civil Aviation, thus simplifying airworthiness approvals for import and export.

DATES: This amendment becomes effective October 17, 2008.

FOR FURTHER INFORMATION CONTACT: Dorina Mihail, Engine and Propeller Standards Staff, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5229; (781) 238-7153; facsimile: (781) 238-7199; e-mail: dorina.mihail@faa.gov.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated 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, including minimum safety standards for aircraft engines. This rule is within the scope of that authority because it updates the existing regulations for type certification standards for OEI ratings for rotorcraft turbine engines.

Background

On May 4, 2007, the FAA published a notice of proposed rulemaking (NPRM) titled "Airworthiness Standards: Rotorcraft Turbine Engines One-Engine-Inoperative (OEI) Ratings, Type Certification Standards" (72 FR 25207). The comment period for the NPRM closed on August 2, 2007.

The OEI power ratings provide rotorcraft with higher than takeoff and maximum continuous power ratings needed when one engine of a multi-engine rotorcraft fails or is shut down during flight, such as during takeoff, cruise, or landing. These OEI power rating powers enable the rotorcraft to continue safe flight until it reaches a suitable landing site. Part 33 prescribes airworthiness standards for 30-second OEI, 2-minute OEI, 2½-minute OEI, 30-minute OEI, and continuous OEI ratings for the issuance of type certificates for rotorcraft turbine engines. All OEI ratings are optional ratings that engine manufacturers may select from those specified in § 33.7.

This final rule harmonizes with the corresponding airworthiness standards for OEI ratings of the European Aviation Safety Agency (EASA) without reducing the existing level of safety.

Summary of Comments

Three commenters, including a turbine engine manufacturer, General Electric (GE); a foreign aviation authority, Transport Canada Civil Aviation (TCCA); and an industry association, Aerospace Industries Association (AIA); responded to the NPRM request for comments. The GE and AIA comments are identical. TCCA had a number of comments. All of the commenters generally supported the proposed changes. All comments included suggested changes, as discussed in the discussion of the final rule below.

The FAA received comments on the following general areas of the proposal:

- Instrument connection.
- Fuel system.
- Endurance test.
- Engine overtemperature test.
- Airworthiness Limitations Section.

Discussion of the Final Rule

Below is a more detailed discussion of the rule as it relates to the comments on the proposal.

Instrument Connection

We revised § 33.29(c) to specify that the applicant must provide a means or a provision for a means to satisfy the requirements for the use of the defined 30-second OEI and 2-minute OEI ratings. The applicant, for example an engine manufacturer, may satisfy “a means” by providing a recorder to record entry into the OEI power bands. Alternatively, the applicant may fulfill “a provision for a means” by specifying that the installer provide a recorder to record entry into the OEI power bands. We also added a new § 33.29(c)(4) to specify the requirements for verification of the proper operation of indicating, recording, and retrieval systems.

The TCCA commented that existing § 33.29(c) should not be changed because full compliance to crew interface would be difficult to achieve at engine certification. The TCCA claimed the proposed changes to § 33.29(c) are redundant to the requirements of §§ 27.1305 and 29.1305.

We believe the requirement for the engine to have either a means or a provision for a means is engine specific and can be met at engine certification. Advisory circulars will provide further guidance. The FAA harmonized this change with EASA’s rule. Section 33.29(c) is adopted without change.

We also proposed to add § 33.29(d) which limits resetting the recordings required by paragraph (c) to only while on the ground.

The TCCA believes that compliance to proposed § 33.29(d) can only be found at rotorcraft, not engine, certification and this section, therefore, should not be part of engine requirements.

The FAA partially agrees with this comment. We determined that § 33.29(d) should apply to § 33.29(c)(2) and (c)(3) but not to § 33.29(c)(1) and (c)(4). Specifically, we found that in-flight resetting of the pilot alert required under (c)(1) and the routine verification required under (c)(4) should not be addressed by engine regulations. We retained the § 33.29(d) requirement that recordings under (c)(2) and (c)(3) should not be reset in-flight because we find these requirements should be met at

engine certification. We, therefore, modified § 33.29(d) in the final rule to refer only to § 33.29(c)(2) and (c)(3).

Fuel System

We proposed a revision to § 33.67(d) to clarify the intent of “automatic control” of the 30-second OEI power is to control the engine operating conditions, which should not exceed the engine’s operating limits. We clarified in the preamble of the NPRM that the applicant’s design, however, should not limit the time interval at which OEI power is used. This design feature enables the pilot to exceed OEI time limits to safely land the rotorcraft in an in-flight emergency as permitted by § 91.3(b).

GE requested clarification that the OEI power limit can be exceeded in the event of an emergency under the requirements of § 33.67(d).

The intent of § 33.67(d) is that use of 30-second OEI power should be subject to automatic control and should not be exceeded. This automatic control requirement is intended to avoid the need for the pilot to monitor engine parameters, such as output shaft torque or power, output shaft speed, gas producer speed, and gas path temperature during OEI operation. Once the automatic control system is activated, it automatically controls the 30-second OEI power and prevents the engine from exceeding its specified operating limits. Section 33.67(d) is adopted as proposed.

Endurance Test

The amended § 33.87 reduces test complexity and adds test flexibility under the revisions to § 33.87(a); harmonizes the test schedule under § 33.87(c) with that of the Certification Specifications for Engines (CS-E); and clarifies the test schedule and test sequence under § 33.87(f).

We proposed to revise § 33.87(a)(5) so the maximum air bleed for engine and aircraft services under § 33.87(a)(5) need not be used for the final 120-minute test required under § 33.87(f)(1) through (f)(8) if the applicant can show by testing, or analysis based on testing, that the validity of the endurance test is preserved. This proposed revision was intended to reduce test complexity and improve the flexibility needed to attain the key parameters (speed, temperature and torque) during the tests.

We also proposed to revise § 33.87(a)(6) to allow the applicant to run the final 120-minute test under §§ 33.87(f)(1) through (f)(8) without loading the accessory drives and mounting attachments if the applicant can substantiate that the durability of

any accessory drive or engine component is not significantly affected.

The TCCA commented that § 33.87(a)(5) should not require the maximum air bleed and § 33.87(a)(6) should not require loading of accessory drive and mounting attachments to be part of the test configuration for § 33.87(f) test sequences. The TCCA recommended changes to § 33.87(a)(5) and (a)(6) that do not mention “120-minute,” which is the minimum time duration of the test required under paragraph (f).

We have revised § 33.87(a)(5) and (a)(6) in the final rule by removing references to “120-minute.” These changes clarify the exceptions specified in § 33.87(a)(5) and (a)(6) are for the entire test duration performed under § 33.87(f).

GE recommended changes to § 33.87 it believes would ensure FAA requirements are not more severe than EASA’s for the endurance test requirements under § 33.87(a)(3) and (a)(7).

We find that GE’s recommendation would substantially affect § 33.87 requirements for all non-OEI engine ratings. Such a change is beyond the scope of this rule.

Engine Overtemperature Test

We proposed to revise § 33.88(a) to clarify that these requirements apply to all engine ratings, including all OEI ratings other than the 30-second and 2-minute OEI ratings, regardless of whether the engine is equipped with an automatic temperature control.

The TCCA disagreed with our proposed change to § 33.88(a) because it claimed the proposed new language could result in more tests being performed than is intended by the proposal.

We agree that the proposed language in § 33.88(a) could be interpreted to also apply to 30-second and 2-minute OEI ratings and result in unintended testing. We are, therefore, withdrawing the proposed change to § 33.88(a). We have, however, revised § 33.88(b) in the final rule to clarify that testing under § 33.88(a) applies to all engine ratings, except for 30-second OEI and 2-minute OEI ratings.

The TCCA commented that §§ 33.88(b) and 33.93(b)(2) should refer to “mandatory inspections and maintenance actions.”

We find that § 33.4 and Appendix A to Part 33 adequately reference mandatory inspections and maintenance actions.

Airworthiness Limitations Section, Appendix A

We are revising Appendix A, Section A33.4, Airworthiness Limitations Section (ALS), by adding a new paragraph for rotorcraft engines having 30-second OEI and 2-minute OEI ratings. For these engines, we require the applicant to prescribe mandatory post-flight inspection and maintenance actions in the ALS of the Instructions for Continued Airworthiness following the use of these ratings. In order to harmonize with CS-E 25, we are requiring the applicant to create a mandatory in-service engine evaluation program to ensure continued adequacy of the airworthiness instructions for the engines.

The 30-second OEI and 2-minute OEI ratings allow for limited use in service followed by mandatory inspection and maintenance. These ratings assume some engine parts or components may not be suitable for further use and will need to be replaced after the application of these ratings. The mandatory inspections and maintenance actions following the use of 30-second OEI or 2-minute OEI ratings must (1) identify and correct any component distress that could significantly reduce subsequent engine reliability or prevent the engine from achieving 30-second OEI and 2-minute OEI power ratings; and (2) maintain the engine in condition for safe OEI flight. The applicant must validate the adequacy of the required inspections and maintenance actions.

The TCCA commented that the requirements for validation of inspection and maintenance actions should not be included in paragraph (b)(1) of A33.4 but under § 33.90.

The FAA partially agrees. We find the requirement for validation of inspection and maintenance actions is more appropriate in the ALS. Section 33.90 establishes when the initial maintenance inspection is required. We revised proposed paragraphs in A33.4(b) to separate the ALS content requirements from the validation requirements. We revised A33.4(b) into these separate requirements: Paragraph (b)(1) specifies the content of the ALS and paragraph (b)(2) specifies the validation requirements. We redesignated proposed (b)(2) as (b)(3) and revised (b)(3) to reference (b)(1) for the requirements related to the instructions for mandatory post-flight inspection and maintenance actions.

The TCCA also commented that it is inappropriate to place an in-service engine evaluation program in the airworthiness requirements of A33.4 as this would become an "open issue" at

engine type certification. The TCCA recommends instead that this program be described in an advisory circular as an acceptable means of compliance.

We intend that the applicant should submit an in-service engine evaluation program at engine certification, and that this program should have provisions for the applicant to continue its evaluation throughout the service life of the engine. We note that this requirement harmonizes with CS-E 25 and is unlikely to become a certification issue.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined there is no current or new requirement for information collection associated with this amendment.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

Economic Assessment, Regulatory Flexibility Determination, Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96-39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by

State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation with base year of 1995).

This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows:

This final rule codifies existing certification practices while maintaining the existing level of safety. The existing certification practices reflect the ratings' use and lessons learned from completed engine certifications and service experience.

The final rule also harmonizes the FAA standards with those of EASA. Presently, engine manufacturers must satisfy both United States and European requirements to certify and market part 33 engines in both the United States and in Europe. Meeting two sets of certification requirements raises the cost of development often with no increase in safety. In the interest of fostering international trade, lowering the cost of development, and making the certification process more efficient, the FAA, EASA, and manufacturers have worked to create to the maximum possible extent a single set of certification requirements accepted in both the United States and Europe.

This final rule harmonizes FAA type certification standards for OEI ratings with the requirements already in existence in Europe, thus simplifying airworthiness approvals for import and export. The FAA has not attempted to quantify the cost savings that may accrue due to harmonization of this rule, beyond noting that they will contribute to certification and validation savings. There is also potential for increased safety by having clearer and more explicit regulations. In addition, safety after an engine failure or shutdown under the requirements contained in this final rule will be at least equivalent to safety under the previous requirements and certification practices. We received no comments regarding our initial minimal cost determination in the NPRM, and arrive at the same minimal cost determination for this final rule.

Currently, manufacturers that hold OEI ratings are: General Electric Aircraft Engines, Rolls-Royce Corporation (Indiana), Light Helicopter Turbine Engine Company (LHTEC), and Honeywell International, Inc. These manufacturers also seek validation in Europe. For example, the General Electric CT7-8 series turbine engine was validated in Europe in November 2004. Because all existing manufacturers with OEI ratings also seek validation in Europe, where the requirements of this final rule are already in place, it codifies common industry business practice.

Because this final rule codifies existing certification practices while maintaining the existing level of safety, we have determined that this final rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, and is not "significant" as defined in DOT's Regulatory Policies and Procedures. The benefits of this final rule justify the costs and the existing level of safety will be preserved.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354) (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration." The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

In the Initial Regulatory Flexibility Determination, we found that there

would not be a significant economic impact on a substantial number of small entities. There were no comments on our initial regulatory flexibility determination.

Using the Small Business Administration Size Standards, we find that there are no small business manufacturers who hold OEI ratings. In addition, this rule reduces certification costs. Because this rule reduces costs and no small businesses are affected, our final regulatory flexibility determination is that this rule will not have a significant economic impact on a substantial number of small entities.

Therefore, as the Acting FAA Administrator, I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96-39) prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

This final rule considers and incorporates an international standard as the basis of an FAA regulation. Thus this final rule complies with the Trade Agreements Act of 1979 and does not create unnecessary obstacles to international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of \$136.1 million in lieu of \$100 million.

The FAA has assessed the potential effect of this final rule and determined that it does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of

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

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not a "significant regulatory action" under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—

1. Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visiting the FAA's Regulations and Policies Web page at http://www.faa.gov/regulations_policies/; or
3. Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the amendment number or docket number of this rulemaking.

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 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://DocketsInfo.dot.gov>.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact your local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. You can find out more about SBREFA on the Internet at http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.

List of Subjects

14 CFR Part 1

Air transportation, Aircraft, Aviation safety, Engines, Helicopters, Ratings, Rotorcraft, Safety.

14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Engines, Ratings, Rotorcraft, Safety.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends parts 1 and 33 of Title 14, Code of Federal Regulations as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

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

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

■ 2. Amend § 1.1 by revising the definitions for “Rated 30-second OEI power,” “Rated 2-minute OEI power,” “Rated continuous OEI power,” “Rated 30-minute OEI power,” and “Rated 2½-minute OEI power,” to read as follows:

§ 1.1 General definitions.

Rated 30-second OEI Power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, for continuation of one flight operation after the failure or shutdown of one engine in multiengine rotorcraft, for up to three periods of use no longer than 30 seconds each in any one flight, and followed by mandatory

inspection and prescribed maintenance action.

Rated 2-minute OEI Power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, for continuation of one flight operation after the failure or shutdown of one engine in multiengine rotorcraft, for up to three periods of use no longer than 2 minutes each in any one flight, and followed by mandatory inspection and prescribed maintenance action.

Rated continuous OEI power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, and limited in use to the time required to complete the flight after the failure or shutdown of one engine of a multiengine rotorcraft.

Rated 30-minute OEI power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter, and limited in use to one period of use no longer than 30 minutes after the failure or shutdown of one engine of a multiengine rotorcraft.

Rated 2½-minute OEI power, with respect to rotorcraft turbine engines, means the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 of this chapter for periods of use no longer than 2½ minutes each after the failure or shutdown of one engine of a multiengine rotorcraft.

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

■ 3. The authority citation for part 33 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

■ 4. Amend § 33.5 to add a new paragraph (b)(4) to read as follows:

§ 33.5 Instruction manual for installing and operating the engine.

(b) * * *
(4) For rotorcraft engines having one or more OEI ratings, applicants must

provide data on engine performance characteristics and variability to enable the aircraft manufacturer to establish aircraft power assurance procedures.

■ 5. Amend § 33.29 by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 33.29 Instrument connection.

(c) Each rotorcraft turbine engine having a 30-second OEI rating and a 2-minute OEI rating must have a means or a provision for a means to:

(1) Alert the pilot when the engine is at the 30-second OEI and the 2-minute OEI power levels, when the event begins, and when the time interval expires;

(2) Automatically record each usage and duration of power at the 30-second OEI and 2-minute OEI levels;

(3) Alert maintenance personnel in a positive manner that the engine has been operated at either or both of the 30-second and 2-minute OEI power levels, and permit retrieval of the recorded data; and

(4) Enable routine verification of the proper operation of the above means.

(d) The means, or the provision for a means, of paragraphs (c)(2) and (c)(3) of this section must not be capable of being reset in flight.

■ 6. Revise § 33.67(d) to read as follows:

§ 33.67 Fuel system.

(d) Rotorcraft engines having a 30-second OEI rating must incorporate a means, or a provision for a means, for automatic availability and automatic control of the 30-second OEI power within its operating limitations.

■ 7. Amend § 33.87 by:

■ A. Redesignating paragraphs (c)(2) and paragraphs (c)(4) through (c)(6) as paragraphs (c)(4) through (c)(7);

■ B. By adding new paragraph (c)(2); and

■ C. By revising paragraphs (a)(5), (a)(6), (c)(3), newly redesignated paragraphs (c)(4) through (c)(7), (f) introductory text, (f)(4) and (f)(8) to read as follows:

§ 33.87 Endurance test.

(a) * * *

(5) Maximum air bleed for engine and aircraft services must be used during at least one-fifth of the runs, except for the test required under paragraph (f) of this section, provided the validity of the test is not compromised. However, for these runs, the power or thrust or the rotor shaft rotational speed may be less than 100 percent of the value associated with the particular operation being tested if the FAA finds that the validity of the endurance test is not compromised.

(6) Each accessory drive and mounting attachment must be loaded in accordance with paragraphs (a)(6)(i) and (ii) of this section, except as permitted by paragraph (a)(6)(iii) of this section for the test required under paragraph (f) of this section.

(i) The load imposed by each accessory used only for aircraft service must be the limit load specified by the applicant for the engine drive and attachment point during rated maximum continuous power or thrust and higher output.

(ii) The endurance test of any accessory drive and mounting attachment under load may be accomplished on a separate rig if the validity of the test is confirmed by an approved analysis.

(iii) The applicant is not required to load the accessory drives and mounting attachments when running the tests under paragraphs (f)(1) through (f)(8) of this section if the applicant can substantiate that there is no significant effect on the durability of any accessory drive or engine component. However, the applicant must add the equivalent engine output power extraction from the power turbine rotor assembly to the engine shaft output.

* * * * *

(c) * * *

(2) *Rated maximum continuous and takeoff power.* Thirty minutes at—

(i) Rated maximum continuous power during fifteen of the twenty-five 6-hour endurance test cycles; and

(ii) Rated takeoff power during ten of the twenty-five 6-hour endurance test cycles.

(3) *Rated maximum continuous power.* One hour at rated maximum continuous power.

(4) *Rated 30-minute OEI power.* Thirty minutes at rated 30-minute OEI power.

(5) *Incremental cruise power.* Two hours and 30 minutes at the successive power lever positions corresponding with not less than 15 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, power may be varied in place of speed. If there are significant peak vibrations anywhere between ground idle and maximum continuous conditions, the number of increments chosen must be changed to increase the amount of running conducted while subject to peak vibrations up to not more than 50 percent of the total time spent in incremental running.

(6) *Acceleration and deceleration runs.* Thirty minutes of accelerations

and decelerations, consisting of six cycles from idling power to rated takeoff power and maintained at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately 4½ minutes. In complying with this paragraph, the power control lever must be moved from one extreme position to the other in not more than one second. If, however, different regimes of control operations are incorporated that necessitate scheduling of the power control lever motion from one extreme position to the other, then a longer period of time is acceptable, but not more than two seconds.

(7) *Starts.* One hundred starts, of which 25 starts must be preceded by at least a two-hour engine shutdown. There must be at least 10 false engine starts, pausing for the applicant's specified minimum fuel drainage time, before attempting a normal start. There must be at least 10 normal restarts not more than 15 minutes after engine shutdown. The remaining starts may be made after completing the 150 hours of endurance testing.

* * * * *

(f) *Rotorcraft Engines for which 30-second OEI and 2-minute OEI ratings are desired.* For each rotorcraft engine for which 30-second OEI and 2-minute OEI power ratings are desired, and following completion of the tests under paragraphs (b), (c), (d), or (e) of this section, the applicant may disassemble the tested engine to the extent necessary to show compliance with the requirements of § 33.93(a). The tested engine must then be reassembled using the same parts used during the test runs of paragraphs (b), (c), (d), or (e) of this section, except those parts described as consumables in the Instructions for Continued Airworthiness. Additionally, the tests required in paragraphs (f)(1) through (f)(8) of this section must be run continuously. If a stop occurs during these tests, the interrupted sequence must be repeated unless the applicant shows that the severity of the test would not be reduced if it were continued. The applicant must conduct the following test sequence four times, for a total time of not less than 120 minutes:

* * * * *

(4) *30-minute OEI power, continuous OEI power, or maximum continuous power.* Five minutes at whichever is the greatest of rated 30-minute OEI power, rated continuous OEI power, or rated maximum continuous power, except that, during the first test sequence, this period shall be 65 minutes. However, where the greatest rated power is 30-minute OEI power, that sixty-five

minute period shall consist of 30 minutes at 30-minute OEI power followed by 35 minutes at whichever is the greater of continuous OEI power or maximum continuous power.

* * * * *

(8) *Idle.* One minute at flight idle.

* * * * *

■ 8. Amend § 33.88 by removing paragraph (b), redesignating (c) and (d) as paragraphs (b) and (c), respectively; and revising the text of the newly designated paragraph (b) to read as follows:

§ 33.88 Engine overtemperature test.

* * * * *

(b) In addition to the test requirements in paragraph (a) of this section, each engine for which 30-second OEI and 2-minute OEI ratings are desired, that incorporates a means for automatic temperature control within its operating limitations in accordance with § 33.67(d), must run for a period of 4 minutes at the maximum power-on rpm with the gas temperature at least 35 °F (19 °C) higher than the maximum operating limit at 30-second OEI rating. Following this run, the turbine assembly may exhibit distress beyond the limits for an overtemperature condition provided the engine is shown by analysis or test, as found necessary by the FAA, to maintain the integrity of the turbine assembly.

* * * * *

■ 9. Revise § 33.93(b)(2) to read as follows:

§ 33.93 Teardown inspection.

* * * * *

(b) * * *

(2) Each engine may exhibit deterioration in excess of that permitted in paragraph (a)(2) of this section, including some engine parts or components that may be unsuitable for further use. The applicant must show by inspection, analysis, test, or by any combination thereof as found necessary by the FAA, that structural integrity of the engine is maintained; or

* * * * *

■ 10. Amend Appendix A to part 33 by revising section A33.4 to read as follows:

Appendix A to Part 33—Instructions for Continued Airworthiness

* * * * *

A33.4 AIRWORTHINESS LIMITATIONS SECTION

The Instructions for Continued Airworthiness must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the manual.

(a) For all engines:

(1) The Airworthiness Limitations section must set forth each mandatory replacement time, inspection interval, and related procedure required for type certification. If the Instructions for Continued Airworthiness consist of multiple documents, the section required under this paragraph must be included in the principal manual.

(2) This section must contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§ 43.16 and 91.403 of Title 14 of the Code of Federal Regulations unless an alternative program has been FAA approved."

(b) For rotorcraft engines having 30-second OEI and 2-minute OEI ratings:

(1) The Airworthiness Limitations section must also prescribe the mandatory post-flight inspections and maintenance actions associated with any use of either 30-second OEI or 2-minute OEI ratings.

(2) The applicant must validate the adequacy of the inspections and maintenance actions required under paragraph (b)(1) of this section A33.4.

(3) The applicant must establish an in-service engine evaluation program to ensure the continued adequacy of the instructions for mandatory post-flight inspections and maintenance actions prescribed under paragraph (b)(1) of this section A33.4 and of the data for § 33.5(b)(4) pertaining to power availability. The program must include service engine tests or equivalent service engine test experience on engines of similar design and evaluations of service usage of the 30-second OEI or 2-minute OEI ratings.

Issued in Washington, DC, on July 10, 2008.

Robert A. Sturgell,

Acting Administrator.

[FR Doc. E8-18936 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. FAA-2007-27812; Amendment No. 61-121]

RIN 2120-AI91

Modification of Certain Medical Standards and Procedures and Duration of Certain Medical Certificates; Correcting Amendment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correcting amendment.

SUMMARY: The FAA is correcting amendatory language and regulatory text regarding one paragraph of the final rule entitled "Modification of Certain Medical Standards and Procedures and Duration of Certain Medical Certificates". The rule extends the duration of first- and third-class medical certificates for certain individuals. The FAA intended to revise an entire paragraph of the section entitled "Duration of a medical certificate"; however, the amendatory language incorrectly indicates that only one paragraph is being revised.

DATES: Effective August 18, 2008.

FOR FURTHER INFORMATION CONTACT: Zara V. Willis, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 493-4405; e-mail Zara.Willis@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 2008, the FAA published a final rule that extends the duration of the FAA airman medical certificates for certain pilots under the age of 40 at the time of their last medical examination (73 FR 43059). First-class medical certificates, required for airline transport pilot operations, are now valid for 1 year instead of 6 months; third-class medical certificates, required for private pilot operations, are now valid for 5 years instead of 3 years.

In the final rule, the FAA intended to revise § 61.23(d) in its entirety, but inadvertently categorized it only as a revision to paragraph (d)(1).

Correction

This correction makes no changes to the substance of the original final rule. It corrects the amendatory language by revising the entire paragraph (d) of § 61.23, as intended, instead of only paragraph (d)(1). It also corrects the regulatory text by removing (1) of the introductory text to paragraph (d). Moreover, the correction brings paragraph designations under (d) in conformance with the proper format requirements. Consequently, the paragraphs in the first column that were previously designated as (i), (ii), and (iii) are now designated as (1), (2), and (3). The paragraphs in the second column that were previously designated with capital letters ((A), (B), (C), etc.) are now designated with roman numerals ((i), (ii), (iii), etc.). The text of the entire table remains the same.

List of Subjects in 14 CFR Part 61

Aircraft, Airmen, Aviation safety, and Reporting and recordkeeping requirements.

■ Accordingly, 14 CFR part 61 is corrected by making the following correcting amendment:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45302.

■ 2. Amend § 61.23 by revising paragraph (d) to read as follows:

§ 61.23 Medical certificates: Requirement and duration.

* * * * *

(d) *Duration of a medical certificate.* Use the following table to determine duration for each class of medical certificate:

If you hold	And on the date of examination for your most recent medical certificate you were	And you are conducting an operation requiring	Then your medical certificate expires, for that operation, at the end of the last day of the
(1) A first-class medical certificate.	(i) Under age 40	an airline transport pilot certificate	12th month after the month of the date of examination shown on the medical certificate.
	(ii) Age 40 or older	an airline transport pilot certificate	6th month after the month of the date of examination shown on the medical certificate.
	(iii) Any age	a commercial pilot certificate or an air traffic control tower operator certificate.	12th month after the month of the date of examination shown on the medical certificate.

If you hold	And on the date of examination for your most recent medical certificate you were	And you are conducting an operation requiring	Then your medical certificate expires, for that operation, at the end of the last day of the
	(iv) Under age 40	a recreational pilot certificate, a private pilot certificate, a flight instructor certificate (when acting as pilot in command or a required pilot flight crewmember in operations other than glider or balloon), a student pilot certificate, or a sport pilot certificate (when not using a U.S. driver's license as medical qualification).	60th month after the month of the date of examination shown on the medical certificate.
	(v) Age 40 or older	a recreational pilot certificate, a private pilot certificate, a flight instructor certificate (when acting as pilot in command or a required pilot flight crewmember in operations other than glider or balloon), a student pilot certificate, or a sport pilot certificate (when not using a U.S. driver's license as medical qualification).	24th month after the month of the date of examination shown on the medical certificate.
(2) A second-class medical certificate.	(i) Any age	a commercial pilot certificate or an air traffic control tower operator certificate.	12th month after the month of the date of examination shown on the medical certificate.
	(ii) Under age 40	a recreational pilot certificate, a private pilot certificate, a flight instructor certificate (when acting as pilot in command or a required pilot flight crewmember in operations other than glider or balloon), a student pilot certificate, or a sport pilot certificate (when not using a U.S. driver's license as medical qualification).	60th month after the month of the date of examination shown on the medical certificate.
	(iii) Age 40 or older	a recreational pilot certificate, a private pilot certificate, a flight instructor certificate (when acting as pilot in command or a required pilot flight crewmember in operations other than glider or balloon), a student pilot certificate, or a sport pilot certificate (when not using a U.S. driver's license as medical qualification).	24th month after the month of the date of examination shown on the medical certificate.
(3) A third-class medical certificate.	(i) Under age 40	a recreational pilot certificate, a private pilot certificate, a flight instructor certificate (when acting as pilot in command or a required pilot flight crewmember in operations other than glider or balloon), a student pilot certificate, or a sport pilot certificate (when not using a U.S. driver's license as medical qualification).	60th month after the month of the date of examination shown on the medical certificate.
	(ii) Age 40 or older	a recreational pilot certificate, a private pilot certificate, a flight instructor certificate (when acting as pilot in command or a required pilot flight crewmember in operations other than glider or balloon), a student pilot certificate, or a sport pilot certificate (when not using a U.S. driver's license as medical qualification).	24th month after the month of the date of examination shown on the medical certificate.

Issued in Washington, DC, on August 13, 2008.

Pamela Hamilton,

Director, Office of Rulemaking.

[FR Doc. E8-19039 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 530

[Docket No. FDA-2008-N-0326]

New Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibition; Extension of Comment Period; Delay of Effective Date of Final Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Extension of comment period; delay of effective date of final rule.

SUMMARY: The Food and Drug Administration (FDA) is extending to November 1, 2008, the comment period for the order of prohibition. FDA is also delaying the effective date of this final rule to November 30, 2008. In the final rule, FDA requested comments on the document. The agency is taking this action in response to requests for an extension to allow additional time to submit comments.

DATES: The effective date of the rule amending 21 CFR 530.41 published at 73 FR 38110, July 3, 2008 is delayed until November 30, 2008. Submit written and electronic comments by November 1, 2008.

ADDRESSES: You may submit comments, identified by [Docket No. FDA-2008-N-0326], by any of the following methods: *Electronic Submissions*

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

- FAX: 301-827-6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD-ROM submissions]: Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using

the Federal eRulemaking Portal, as described previously, in the **ADDRESSES** portion of this document under *Electronic Submissions*.

Instructions: All submissions received must include the agency name and Docket No(s). and Regulatory Information Number (RIN) (if a RIN number has been assigned) for this rulemaking. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. For additional information on submitting comments, see the "Request for Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number(s), found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Neal Bataller, Center for Veterinary Medicine (HFV-230), Food and Drug Administration, 7519 Standish Pl., Rockville, MD, 20855, 240-276-9200, e-mail: neal.bataller@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 3, 2008 (73 FR 38110), FDA published an order prohibiting the extralabel use of cephalosporin antimicrobial drugs in food-producing animals, with a 60-day comment period and a 90-day effective date for the final rule.

The agency has received requests for a 60-day extension of the comment period for the order of prohibition. The requests conveyed concern that the current 60-day comment period does not allow sufficient time to examine the available evidence, consider the impact of the ruling, and provide constructive comment.

FDA has considered the requests and is extending the comment period for the order for 60 days, until November 1, 2008. Accordingly, FDA is also delaying the effective date of the final rule 60 days, until November 30, 2008. The agency believes that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying implementation of the final rule.

II. Request for Comments

Interested persons may submit to the Division of Dockets Management (see

ADDRESSES) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA only through FDMS at <http://www.regulations.gov>.

Dated: July 31, 2008.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. E8-18967 Filed 8-15-08; 8:45 am]

BILLING CODE 4160-01-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2008-0051-200805(a); FRL-8705-3]

Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Nashville/Davidson County Portion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the State Implementation Plan (SIP) submitted by the State of Tennessee on October 19, 2007. The revision affects the Nashville/Davidson County portion of the Tennessee SIP. Specifically, the revision pertains to the Metropolitan Public Health Department, Pollution Control Division's Regulation Number 8, "Inspection and Maintenance of Light-Duty Motor Vehicles." The revision is part of Nashville/Davidson County's strategy to meet the requirements of EPA's 1997 8-hour ozone standard. Regulation Number 8 is amended by reducing the vehicle emission inspection fee to \$9.00 and updating the definitions section. This revision is considered by the Tennessee Department of Environment and Conservation (TDEC), to be at least as stringent as the State of Tennessee's

preexisting requirements. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective October 17, 2008 without further notice, unless EPA receives adverse comment by September 17, 2008. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2008-0051, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *E-mail*: hou.james@epa.gov.

3. *Fax*: (404) 562-9019.

4. *Mail*: "EPA-R04-OAR-2008-0051," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier*: Mr. James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Instructions: Direct your comments to Docket ID No. "EPA-R04-OAR-2008-0051." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. The *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 *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 home page at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-8965. Mr. Hou can also be reached via electronic mail at hou.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Analysis of Submittal

On October 19, 2007, the State of Tennessee submitted a revision to the Nashville/Davidson County portion of the Tennessee SIP, which included a revision to the Metropolitan Public Health Department, Pollution Control Division's Regulation Number 8, "Inspection and Maintenance of Light-Duty Motor Vehicles." This revision was promulgated by the Davidson County Metropolitan Health Department, which is the local agency

overseeing implementation of air pollution control regulations for Davidson County, including Early Action Compact (EAC) related obligations. The SIP revision currently at issue amends Regulation Number 8 by reducing the emissions inspection fee for light-duty motor vehicles from \$10.00 to \$9.00 per inspection. The revision also updates the "Definitions" section by clarifying the definition of 'Carbon Monoxide,' adding the term 'Catalytic Converter,' and clarifying the definition of 'Heavy-Duty Motor Vehicle.' Specifically, the definitions will be changed to the following:

Carbon Monoxide—means a compound consisting of the chemical formula (CO).

Catalytic Converter—means a pollution control device containing a catalyst for converting automobile exhaust into mostly harmless products.

Heavy-Duty Motor Vehicle—means any motor vehicle having a combined manufacturer vehicle and maximum loading rate (GVWR) to be carried thereon in excess of 10,500 pounds (4773 kilograms or more).

The above revision is consistent with the EAC Protocol¹ and is considered by the State of Tennessee to be at least as stringent as preexisting requirements under the SIP.

II. Final Action

EPA has reviewed the submittal and determined that is consistent with the requirements of the CAA and EPA's Policy. Therefore, EPA is approving the aforementioned change to the SIP. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 17, 2008 without further notice unless the Agency receives adverse comments by September 17, 2008.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are

¹ The EAC Protocol can be found at <http://www.epa.gov/air/eac/>.

received, the public is advised that this rule will be effective on October 17, 2008 and no further action will be taken on the proposed rule.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of voluntary consensus standards would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See, section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Catalytic converter, Heavy-duty motor vehicles, Incorporation by reference, Motor vehicle inspection fee, Ozone.

Dated: July 30, 2008.

Russell L. Wright, Jr.,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart (RR)—(Tennessee)

■ 2. Section 52.2220(c) Table 5 is amended by revising the entry for "Regulation No. 8" to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

TABLE 5—EPA APPROVED NASHVILLE-DAVIDSON, REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
* * *	* * *	* * *	* * *	* * *
Regulation No. 8	Regulation of Emissions from Light-Duty Motor Vehicles Through Mandatory Vehicle Inspection and Maintenance Program.	10/10/2007	8/18/08 [Insert citation of publication].	
* * *	* * *	* * *	* * *	* * *

* * * * *

[FR Doc. E8-18968 Filed 8-15-08; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 64****[Docket No. FEMA-8035]****Suspension of Community Eligibility****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Final rule.

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

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

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472 (202) 646-2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood

Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

FEMA previously identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension

date. Since these notifications were made, this final rule may take effect within less than 30 days.

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

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

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

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

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Pennsylvania:				
Beaver, Township of, Columbia County	421547	December 29, 1981, Emerg; November 15, 1985, Reg; August 19, 2008, Susp.	August 19, 2008	August 19, 2008.
Benton, Borough of, Columbia County	421543	June 10, 1975, Emerg; October 18, 1983, Reg; August 19, 2008, Susp.	do*	do.
Benton, Township of, Columbia County	421037	September 10, 1973, Emerg; August 1, 1978, Reg; August 19, 2008, Susp.	do	do.
Berwick, Borough of, Columbia County	420338	June 20, 1975, Emerg; August 3, 1989, Reg; August 19, 2008, Susp.	do	do.
Bloomsburg, Town of, Columbia County	420339	March 9, 1972, Emerg; May 1, 1980, Reg; August 19, 2008, Susp.	do	do.
Briar Creek, Borough of, Columbia County.	420340	August 31, 1973, Emerg; August 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Briar Creek, Township of, Columbia County.	421548	August 8, 1975, Emerg; June 19, 1989, Reg; August 19, 2008, Susp.	do	do.
Catawissa, Borough of, Columbia County.	420341	June 21, 1973, Emerg; September 14, 1979, Reg; August 19, 2008, Susp.	do	do.
Catawissa, Township of, Columbia County.	420342	August 20, 1973, Emerg; September 14, 1979, Reg; August 19, 2008, Susp.	do	do.
Cleveland, Township of, Columbia County.	421000	November 5, 1973, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Conyngham, Township of, Columbia County.	421549	September 7, 1979, Emerg; October 15, 1985, Reg; August 19, 2008, Susp.	do	do.
Fishing Creek, Township of, Columbia County.	421550	August 7, 1975, Emerg; August 3, 1989, Reg; August 19, 2008, Susp.	do	do.
Franklin, Township of, Columbia County	420343	May 29, 1973, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Greenwood, Township of, Columbia County.	421551	July 28, 1975, Emerg; March 16, 1989, Reg; August 19, 2008, Susp.	do	do.
Hemlock, Township of, Columbia County.	420344	June 6, 1973, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Jackson, Township of, Columbia County.	421552	April 26, 1982, Emerg; October 15, 1985, Reg; August 19, 2008, Susp.	do	do.
Locust, Township of, Columbia County	421001	December 17, 1973, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Madison, Township of, Columbia County.	421553	September 7, 1976, Emerg; August 3, 1989, Reg; August 19, 2008, Susp.	do	do.
Main, Township of, Columbia County ...	421554	October 18, 1979, Emerg; October 15, 1985, Reg; August 19, 2008, Susp.	do	do.
Mifflin, Township of, Columbia County ..	421167	April 26, 1974, Emerg; August 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Millville, Borough of, Columbia County	421545	September 6, 1974, Emerg; June 19, 1989, Reg; August 19, 2008, Susp.	do	do.
Montour, Township of, Columbia County.	421002	November 2, 1973, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Mount Pleasant, Township of, Columbia County.	421042	February 1, 1974, Emerg; February 18, 1981, Reg; August 19, 2008, Susp.	do	do.
North Centre, Township of, Columbia County.	421555	December 27, 1974, Emerg; October 15, 1985, Reg; August 19, 2008, Susp.	do	do.
Orange, Township of, Columbia County	421003	September 26, 1973, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Orangeville, Borough of, Columbia County.	420345	June 11, 1974, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Pine, Township of, Columbia County	421556	November 29, 1974, Emerg; April 3, 1989, Reg; August 19, 2008, Susp.	do	do.
Roaring Creek, Township of, Columbia County.	421557	April 30, 1979, Emerg; April 30, 1986, Reg; August 19, 2008, Susp.	do	do.
Scott, Township of, Columbia County ...	421004	November 2, 1973, Emerg; September 2, 1981, Reg; August 19, 2008, Susp.	do	do.
South Centre, Township of, Columbia County.	421137	March 19, 1974, Emerg; November 19, 1980, Reg; August 19, 2008, Susp.	do	do.
Stillwater, Borough of, Columbia County	421546	June 6, 1974, Emerg; August 15, 1989, Reg; August 19, 2008, Susp.	do	do.
Sugarloaf, Township of, Columbia County.	421558	April 3, 1979, Emerg; July 4, 1989, Reg; August 19, 2008, Susp.	do	do.
Virginia:				
Patrick County, Unincorporated Areas ..	510252	July 19, 1974, Emerg; May 15, 1984, Reg; August 19, 2008, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Stuart, Town of, Patrick County	510111	August 6, 1974, Emerg; September 1, 1978, Reg; August 19, 2008, Susp.	do	do.
Region IV				
Kentucky:				
Morgan County, Unincorporated Areas	210292	May 13, 1975, Emerg; August 5, 1986, Reg; August 19, 2008, Susp.	do	do.
North Carolina:				
Anson County, Unincorporated Areas ...	370284	August 2, 1979, Emerg; June 18, 1990, Reg; August 19, 2008, Susp.	do	do.
Ansonville, Town of, Anson County	370541	May 19, 2005, Emerg; —, Reg; August 19, 2008, Susp.	do	do.
Peachland, Town of, Anson County	370285	October 24, 1979, Emerg; July 1, 1987, Reg; August 19, 2008, Susp.	do	do.
Polkton, Town of, Anson County	370286	August 12, 2002, Emerg; —, Reg; August 19, 2008, Susp.	do	do.
Wadesboro, Town of, Anson County	370006	April 25, 1975, Emerg; August 19, 1986, Reg; August 19, 2008, Susp.	do	do.
Region V				
Illinois:				
Alsip, Village of, Cook County	170055	January 13, 1975, Emerg; September 17, 1980, Reg; August 19, 2008, Susp.	do	do.
Arlington Heights, City of, Cook County	170056	January 28, 1972, Emerg; May 1, 1978, Reg; August 19, 2008, Susp.	do	do.
Barrington Hills, Village of, Kane County.	170058	April 3, 1975, Emerg; August 10, 1979, Reg; August 19, 2008, Susp.	do	do.
Bartlett, Village of, Cook County	170059	October 15, 1974, Emerg; June 15, 1981, Reg; August 19, 2008, Susp.	do	do.
Bedford Park, Village of, Cook County	171007	July 30, 1980, Emerg; January 13, 1983, Reg; August 19, 2008, Susp.	do	do.
Bellwood, Village of, Cook County	170061	February 18, 1975, Emerg; December 4, 1979, Reg; August 19, 2008, Susp.	do	do.
Bensenville, Village of, Cook County	170200	May 22, 1974, Emerg; February 4, 1981, Reg; August 19, 2008, Susp.	do	do.
Blue Island, City of, Cook County	170064	January 10, 1975, Emerg; July 2, 1980, Reg; August 19, 2008, Susp.	do	do.
Broadview, Village of, Cook County	170067	March 7, 1975, Emerg; January 16, 1981, Reg; August 19, 2008, Susp.	do	do.
Brookfield, Village of, Cook County	170066	October 30, 1974, Emerg; December 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Burnham, Village of, Cook County	170070	March 4, 1975, Emerg; June 1, 1981, Reg; August 19, 2008, Susp.	do	do.
Burr Ridge, Village of, Cook County	170071	February 24, 1975, Emerg; October 15, 1981, Reg; August 19, 2008, Susp.	do	do.
Calumet City, City of, Cook County	170072	February 24, 1975, Emerg; April 1, 1980, Reg; August 19, 2008, Susp.	do	do.
Calumet Park, Village of, Cook County	170073	July 7, 1975, Emerg; February 16, 1979, Reg; August 19, 2008, Susp.	do	do.
Chicago, City of, Cook County	170074	August 23, 1974, Emerg; June 1, 1981, Reg; August 19, 2008, Susp.	do	do.
Chicago Heights, City of, Cook County	170075	December 2, 1974, Emerg; November 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Cook County, Unincorporated Areas	170054	March 9, 1973, Emerg; April 15, 1981, Reg; August 19, 2008, Susp.	do	do.
Country Club Hills, City of, Cook County.	170078	December 10, 1974, Emerg; July 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Crestwood, Village of, Cook County	170080	June 1, 1973, Emerg; February 18, 1981, Reg; August 19, 2008, Susp.	do	do.
Deer Park, Village of, Lake County	171028	February 17, 1993, Emerg; September 3, 1997, Reg; August 19, 2008, Susp.	do	do.
Deerfield, Village of, Cook County	170361	October 13, 1972, Emerg; September 30, 1977, Reg; August 19, 2008, Susp.	do	do.
Des Plaines, City of, Cook County	170081	October 13, 1972, Emerg; June 15, 1981, Reg; August 19, 2008, Susp.	do	do.
Dixmoor, Village of, Cook County	170082	July 21, 1975, Emerg; June 4, 1980, Reg; August 19, 2008, Susp.	do	do.
Dolton, Village of, Cook County	170083	December 18, 1974, Emerg; July 16, 1980, Reg; August 19, 2008, Susp.	do	do.
East Dundee, Village of, Kane County	170323	May 9, 1975, Emerg; March 16, 1981, Reg; August 19, 2008, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
East Hazel Crest, Village of, Cook County.	170085	June 28, 1974, Emerg; September 22, 1978, Reg; August 19, 2008, Susp.	do	do.
Elk Grove, Village of, Cook County	170088	November 3, 1972, Emerg; June 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Elmhurst, City of, Du Page County	170205	January 14, 1975, Emerg; February 4, 1981, Reg; August 19, 2008, Susp.	do	do.
Elmwood Park, Village of, Cook County	170089	June 14, 1974, Emerg; August 15, 1980, Reg; August 19, 2008, Susp.	do	do.
Evanston, City of, Cook County	170090	March 25, 1975, Emerg; November 26, 1982, Reg; August 19, 2008, Susp.	do	do.
Flossmoor, Village of, Cook County	170091	December 15, 1972, Emerg; November 5, 1980, Reg; August 19, 2008, Susp.	do	do.
Ford Heights, Village of, Cook County ..	170084	April 11, 1975, Emerg; September 29, 1978, Reg; August 19, 2008, Susp.	do	do.
Forest Park, Village of, Cook County	170092	April 16, 1974, Emerg; September 22, 1978, Reg; August 19, 2008, Susp.	do	do.
Frankfort, Village of, Will County	170701	April 11, 1974, Emerg; November 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Franklin Park, Village of, Cook County	170094	April 11, 1973, Emerg; September 15, 1978, Reg; August 19, 2008, Susp.	do	do.
Glencoe, Village of, Cook County	170095	April 10, 1973, Emerg; December 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Glenview, Village of, Cook County	170096	January 26, 1973, Emerg; June 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Glenwood, Village of, Cook County	170097	July 9, 1973, Emerg; June 15, 1978, Reg; August 19, 2008, Susp.	do	do.
Golf, Village of, Cook County	170098	January 17, 1975, Emerg; November 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Harvey, City of, Cook County	170100	January 12, 1973, Emerg; April 17, 1978, Reg; August 19, 2008, Susp.	do	do.
Hillside, Village of, Cook County	170104	July 21, 1975, Emerg; June 11, 1976, Reg; August 19, 2008, Susp.	do	do.
Hinsdale, Village of, Cook County	170105	April 22, 1975, Emerg; January 16, 1981, Reg; August 19, 2008, Susp.	do	do.
Hoffman Estates, Village of, Cook County.	170107	November 10, 1972, Emerg; May 19, 1981, Reg; August 19, 2008, Susp.	do	do.
Homewood, Village of, Cook County	170109	November 24, 1972, Emerg; August 15, 1977, Reg; August 19, 2008, Susp.	do	do.
Indian Head Park, Village of, Cook County.	170110	March 31, 1975, Emerg; December 4, 1979, Reg; August 19, 2008, Susp.	do	do.
Justice, Village of, Cook County	170112	March 20, 1975, Emerg; May 19, 1981, Reg; August 19, 2008, Susp.	do	do.
Kenilworth, Village of, Cook County	170113	February 14, 1975, Emerg; August 19, 1983, Reg; August 19, 2008, Susp.	do	do.
La Grange, Village of, Cook County	170114	March 30, 1973, Emerg; November 9, 1979, Reg; August 19, 2008, Susp.	do	do.
Lansing, Village of, Cook County	170116	January 13, 1975, Emerg; June 1, 1981, Reg; August 19, 2008, Susp.	do	do.
Lemont, Village of, Cook County	170117	March 6, 1975, Emerg; June 30, 1976, Reg; August 19, 2008, Susp.	do	do.
Lincolnwood, Village of, Cook County ..	171001	April 11, 1975, Emerg; April 24, 1979, Reg; August 19, 2008, Susp.	do	do.
Lynwood, Village of, Cook County	170119	January 30, 1975, Emerg; August 3, 1981, Reg; August 19, 2008, Susp.	do	do.
Markham, City of, Cook County	175169	April 14, 1972, Emerg; July 27, 1973, Reg; August 19, 2008, Susp.	do	do.
Maywood, Village of, Cook County	170124	July 22, 1975, Emerg; August 11, 1978, Reg; August 19, 2008, Susp.	do	do.
Melrose Park, Village of, Cook County	170125	June 20, 1975, Emerg; January 2, 1981, Reg; August 19, 2008, Susp.	do	do.
Merrionette Park, Village of, Cook County.	170126	October 30, 1974, Emerg; September 4, 1985, Reg; August 19, 2008, Susp.	do	do.
Midlothian, Village of, Cook County	170127	July 30, 1973, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Morton Grove, Village of, Cook County	170128	September 12, 1974, Emerg; June 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Mount Prospect, Village of, Cook County.	170129	October 27, 1972, Emerg; August 2, 1982, Reg; August 19, 2008, Susp.	do	do.
Niles, Village of, Cook County	170130	February 24, 1975, Emerg; June 15, 1979, Reg; August 19, 2008, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
North Riverside, Village of, Cook County.	170135	March 24, 1975, Emerg; December 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Northbrook, Village of, Cook County	170132	December 12, 1973, Emerg; January 17, 1979, Reg; August 19, 2008, Susp.	do	do.
Northfield, Village of, Cook County	170133	September 18, 1974, Emerg; December 18, 1979, Reg; August 19, 2008, Susp.	do	do.
Oak Brook, Village of, Du Page County	170214	January 13, 1975, Emerg; February 18, 1981, Reg; August 19, 2008, Susp.	do	do.
Oak Forest, City of, Cook County	170136	February 2, 1973, Emerg; December 4, 1979, Reg; August 19, 2008, Susp.	do	do.
Oak Lawn, Village of, Cook County	170137	April 9, 1973, Emerg; January 2, 1981, Reg; August 19, 2008, Susp.	do	do.
Olympia Fields, Village of, Cook County	170139	August 7, 1974, Emerg; August 1, 1980, Reg; August 19, 2008, Susp.	do	do.
Orland Hills, Village of, Cook County	170172	February 18, 1975, Emerg; March 15, 1982, Reg; August 19, 2008, Susp.	do	do.
Orland Park, Village of, Cook County ...	170140	April 15, 1974, Emerg; February 4, 1981, Reg; August 19, 2008, Susp.	do	do.
Palatine, Village of, Cook County	175170	December 17, 1971, Emerg; February 16, 1973, Reg; August 19, 2008, Susp.	do	do.
Palos Heights, City of, Cook County	170142	July 27, 1973, Emerg; July 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Park Forest, Village of, Cook County	170145	January 12, 1973, Emerg; July 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Posen, Village of, Cook County	170148	June 11, 1973, Emerg; February 27, 1984, Reg; August 19, 2008, Susp.	do	do.
Prospect Heights, City of, Cook County	170919	April 5, 1977, Emerg; August 1, 1979, Reg; August 19, 2008, Susp.	do	do.
Richton Park, Village of, Cook County ..	170149	December 6, 1973, Emerg; January 16, 1981, Reg; August 19, 2008, Susp.	do	do.
River Forest, City of, Cook County	170151	July 29, 1974, Emerg; August 11, 1978, Reg; August 19, 2008, Susp.	do	do.
River Grove, Village of, Cook County ...	170152	April 1, 1974, Emerg; December 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Riverdale, Village of, Cook County	170150	January 19, 1973, Emerg; September 29, 1978, Reg; August 19, 2008, Susp.	do	do.
Riverside, Village of, Cook County	170153	July 19, 1974, Emerg; December 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Robbins, Village of, Cook County	170154	March 30, 1973, Emerg; November 9, 1979, Reg; August 19, 2008, Susp.	do	do.
Rolling Meadows, City of, Cook County	170155	May 25, 1973, Emerg; October 17, 1978, Reg; August 19, 2008, Susp.	do	do.
Roselle, Village of, Cook County	170216	March 2, 1973, Emerg; May 19, 1981, Reg; August 19, 2008, Susp.	do	do.
Sauk Village, Village of, Cook County ..	170157	April 30, 1974, Emerg; May 5, 1981, Reg; August 19, 2008, Susp.	do	do.
Schaumburg, Village of, Cook County ..	170158	October 13, 1972, Emerg; February 15, 1979, Reg; August 19, 2008, Susp.	do	do.
Skokie, Village of, Cook County	171000	February 14, 1979, Emerg; February 14, 1979, Reg; August 19, 2008, Susp.	do	do.
South Barrington, Village of, Cook County.	170161	August 1, 1975, Emerg; July 16, 1981, Reg; August 19, 2008, Susp.	do	do.
Stickney, Village of, Cook County	170164	July 23, 1975, Emerg; February 11, 1983, Reg; August 19, 2008, Susp.	do	do.
Stone Park, Village of, Cook County	170165	April 28, 1975, Emerg; July 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Streamwood, Village of, Cook County ..	170166	April 14, 1975, Emerg; November 19, 1980, Reg; August 19, 2008, Susp.	do	do.
Thornton, Village of, Cook County	170168	February 14, 1975, Emerg; August 1, 1980, Reg; August 19, 2008, Susp.	do	do.
Tinley Park, Village of, Cook County	170169	July 25, 1974, Emerg; December 4, 1979, Reg; August 19, 2008, Susp.	do	do.
University Park, Village of, Cook County.	170708	September 24, 1974, Emerg; July 16, 1980, Reg; August 19, 2008, Susp.	do	do.
Westchester, Village of, Cook County ..	170170	November 24, 1972, Emerg; June 4, 1980, Reg; August 19, 2008, Susp.	do	do.
Western Springs, Village of, Cook County.	170171	May 9, 1975, Emerg; January 2, 1981, Reg; August 19, 2008, Susp.	do	do.
Willow Springs, Village of, Cook County	170174	February 24, 1975, Emerg; July 16, 1979, Reg; August 19, 2008, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Wilmette, Village of, Cook County	170175	October 9, 1973, Emerg; January 14, 1983, Reg; August 19, 2008, Susp.	do	do.
Winnetka, Village of, Cook County	170176	July 25, 1973, Emerg; November 19, 1980, Reg; August 19, 2008, Susp.	do	do.
Ohio:				
Amherst, City of, Lorain County	390347	April 14, 1975, Emerg; August 1, 1980, Reg; August 19, 2008, Susp.	do	do.
Avon, City of, Lorain County	390348	December 23, 1975, Emerg; July 12, 1983, Reg; August 19, 2008, Susp.	do	do.
Avon Lake, City of, Lorain County	390602	February 11, 1974, Emerg; November 2, 1977, Reg; August 19, 2008, Susp.	do	do.
Elyria, City of, Lorain County	390350	March 28, 1975, Emerg; July 2, 1980, Reg; August 19, 2008, Susp.	do	do.
Grafton, Village of, Lorain County	390614	September 7, 1979, Emerg; July 2, 1980, Reg; August 19, 2008, Susp.	do	do.
Kipton, Village of, Lorain County	390743	April 21, 1976, Emerg; September 22, 1978, Reg; August 19, 2008, Susp.	do	do.
Lorain, City of, Lorain County	390351	June 11, 1973, Emerg; August 15, 1978, Reg; August 19, 2008, Susp.	do	do.
Lorain County, Unincorporated Areas ...	390346	—, Emerg; October 14, 1991, Reg; August 19, 2008, Susp.	do	do.
North Ridgeville, City of, Lorain County	390352	July 7, 1975, Emerg; June 4, 1980, Reg; August 19, 2008, Susp.	do	do.
Oberlin, City of, Lorain County	390353	September 25, 1974, Emerg; June 18, 1980, Reg; August 19, 2008, Susp.	do	do.
Sheffield, Village of, Lorain County	390354	July 3, 1975, Emerg; June 18, 1980, Reg; August 19, 2008, Susp.	do	do.
Wellington, Village of, Lorain County	390358	August 12, 1975, Emerg; June 4, 1980, Reg; August 19, 2008, Susp.	do	do.
Wisconsin:				
Beloit, City of, Rock County	555544	November 27, 1970, Emerg; July 9, 1971, Reg; August 19, 2008, Susp.	do	do.
Brodhead, City of, Rock County	550160	April 30, 1975, Emerg; September 29, 1989, Reg; August 19, 2008, Susp.	do	do.
Burnett County, Unincorporated Areas	550032	March 21, 1975, Emerg; November 20, 1991, Reg; August 19, 2008, Susp.	do	do.
Edgerton, City of, Rock County	550365	June 17, 1975, Emerg; April 15, 1982, Reg; August 19, 2008, Susp.	do	do.
Evansville, City of, Rock County	550366	February 5, 1975, Emerg; January 18, 1984, Reg; August 19, 2008, Susp.	do	do.
Footville, Village of, Rock County	550575	March 24, 1975, Emerg; July 3, 1986, Reg; August 19, 2008, Susp.	do	do.
Grantsburg, Village of, Burnett County	550033	May 14, 1975, Emerg; February 2, 1989, Reg; August 19, 2008, Susp.	do	do.
Janesville, City of, Rock County	555560	March 26, 1971, Emerg; March 31, 1972, Reg; August 19, 2008, Susp.	do	do.
Rock County, Unincorporated Areas	550363	February 8, 1974, Emerg; August 1, 1983, Reg; August 19, 2008, Susp.	do	do.
Siren, Village of, Burnett County	550041	December 15, 2005, Emerg; —, Reg; August 19, 2008, Susp.	do	do.
Region VII				
Kansas:				
Louisburg, City of, Miami County	200222	November 9, 1976, Emerg; July 20, 1984, Reg; August 19, 2008, Susp.	do	do.
Miami County, Unincorporated Areas ...	200220	November 6, 1995, Emerg; December 1, 2006, Reg; August 19, 2008, Susp.	do	do.
Osawatomie, City of, Miami County	200223	June 13, 1974, Emerg; September 19, 1984, Reg; August 19, 2008, Susp.	do	do.
Paola, City of, Miami County	200224	April 16, 1975, Emerg; April 17, 1978, Reg; August 19, 2008, Susp.	do	do.
Nebraska:				
Arcadia, Village of, Valley County	310224	June 4, 1975, Emerg; September 10, 1984, Reg; August 19, 2008, Susp.	do	do.
North Loup, Village of, Valley County ...	310225	April 17, 1975, Emerg; August 1, 1987, Reg; August 19, 2008, Susp.	do	do.
Ord, City of, Valley County	310226	July 16, 1975, Emerg; December 7, 1984, Reg; August 19, 2008, Susp.	do	do.
Osceola, City of, Polk County	310179	July 30, 1975, Emerg; July 2, 1987, Reg; August 19, 2008, Susp.	do	do.

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Polk County, Unincorporated Areas	310468	July 9, 1999, Emerg; —, Reg; August 19, 2008, Susp.	do	do.
Region VIII				
South Dakota:				
Colman, City of, Moody County	460106	July 25, 1975, Emerg; February 11, 1985, Reg; August 19, 2008, Susp.	do	do.
Egan, Town of, Moody County	460061	February 5, 1975, Emerg; January 22, 1980, Reg; August 19, 2008, Susp.	do	do.
Flandreau, City of, Moody County	460062	September 13, 1974, Emerg; January 16, 1981, Reg; August 19, 2008, Susp.	do	do.
Moody County, Unincorporated Areas ..	460235	September 12, 1974, Emerg; September 4, 1985, Reg; August 19, 2008, Susp.	do	do.
Trent, Town of, Moody County	460063	February 18, 1975, Emerg; June 4, 1980, Reg; August 19, 2008, Susp.	do	do.

*do = Ditto.

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

Dated: August 6, 2008.

David I. Maurstad,

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

[FR Doc. E8–19024 Filed 8–15–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency

Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

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

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

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

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

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

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain

management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

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

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

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

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

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

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

§ 65.4 [Amended]

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

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama:					
Lee (FEMA Docket No: B-7776).	City of Opelika (07-04-4788P).	February 14, 2008; February 21, 2008; <i>Opelika-Auburn News</i> .	The Honorable Gary Fuller, Mayor, City of Opelika, P.O. Box 390, Opelika, AL 36803-0390.	January 31, 2008	010145
Madison (FEMA Docket No: B-7780).	Unincorporated areas of Madison County (07-04-6424P).	March 7, 2008; March 14, 2008; <i>Madison County Record</i> .	The Honorable Mike Gillespie, Chairman, Madison County Commission, 100 Northside Square, Huntsville, AL 35801.	July 14, 2008	010151
Montgomery (FEMA Docket No: B-7788).	Unincorporated areas of Montgomery County (07-04-6294P).	March 7, 2008; March 14, 2008; <i>Montgomery Advertiser</i> .	The Honorable Todd Strange, Chairman, Montgomery County Commission, P.O. Box 1667, Montgomery, AL 36102-1667.	July 14, 2008	010278
Arizona:					
Maricopa (FEMA Docket No: B-7788).	Unincorporated areas of Maricopa County (07-09-1830P).	April 10, 2008; April 17, 2008; <i>Arizona Business Gazette</i> .	The Honorable Andrew W. Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	April 1, 2008	040037
Maricopa (FEMA Docket No: B-7788).	Town of Queen Creek (07-09-1830P).	April 10, 2008; April 17, 2008; <i>Arizona Business Gazette</i> .	The Honorable Art Sanders, Mayor, Town of Queen Creek, 22350 South Ellsworth Road, Queen Creek, AZ 85242.	April 1, 2008	040132
Pima (FEMA Docket No: B-7788).	City of Tucson (07-09-1087P).	April 10, 2008; April 17, 2008; <i>Daily Territorial</i> .	The Honorable Bob Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, AZ 85726.	May 4, 2008	040076
Pinal (FEMA Docket No: B-7780).	City of Casa Grande (08-09-0418P).	April 9, 2008; April 16, 2008; <i>Copper Basin News</i> .	The Honorable Robert M. Jackson, Mayor, City of Casa Grande, 510 East Florence Boulevard, Casa Grande, AZ 85222.	April 25, 2008	040080
Yavapai (FEMA Docket No: B-7776).	Town of Prescott Valley (07-09-1708P).	February 21, 2008; February 28, 2008; <i>Prescott Daily Courier</i> .	The Honorable Harvey Skoog, Mayor, Town of Prescott Valley, 7501 East Civic Circle, Prescott Valley, AZ 86314.	June 27, 2008	040121
Yavapai (FEMA Docket No: B-7776).	Yavapai County (07-09-1708P).	February 21, 2008; February 28, 2008; <i>Prescott Daily Courier</i> .	The Honorable Chip Davis, Chairman, Yavapai County, Board of Supervisors, 1015 Fair Street, Prescott, AZ 86305.	June 27, 2008	040093
Arkansas: Pope (FEMA Docket No: B-7776).	City of Russellville (07-06-2298P).	February 7, 2008; February 14, 2008; <i>The Courier</i> .	The Honorable Raye Turner, Mayor, City of Russellville, P.O. Box 428, Russellville, AR 72801.	March 3, 2008	050178
California:					
Fresno (FEMA Docket No: B-7776).	City of Coalinga (07-09-1375P).	February 6, 2008; February 13, 2008; <i>Coalinga Record</i> .	The Honorable Trish Hill, Mayor, City of Coalinga, 155 West Durian Avenue, Coalinga, CA 93210.	February 25, 2008	060045
Fresno (FEMA Docket No: B-7776).	Fresno County (07-09-1375P).	February 6, 2008; February 13, 2008; <i>Coalinga Record</i> .	The Honorable Phil Larson, Fresno County Board of Supervisors, 2281 Tulare Street, 301 Hall of Records, Fresno, CA 93721.	February 25, 2008 065029.	
Orange (FEMA Docket No: B-7776).	City of Irvine, CA (08-09-0082P).	February 14, 2008; February 21, 2008; <i>Irvine World News</i> .	The Honorable Beth Krom, Mayor, City of Irvine, P.O. Box 19575, Irvine, CA 92623.	May 22, 2008	060222
San Luis Obispo (FEMA Docket No: B-7776).	Unincorporated areas of San Luis Obispo County (07-09-1955P).	March 7, 2008; March 14, 2008; <i>The Tribune</i> .	The Honorable James Patterson, Chairman, San Luis Obispo County, Board of Supervisors, 1055 Monterey Street, Room D-430, San Luis Obispo, CA 93408.	July 14, 2008	060304
Colorado:					
Adams (FEMA Docket No: B-7776).	City of Thornton (08-08-0056P).	February 21, 2008; February 28, 2008; <i>Northglenn-Thornton Sentinel</i> .	The Honorable Erik Hansen, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	June 27, 2008	080007
El Paso (FEMA Docket No: B-7780).	City of Colorado Springs (07-08-0678P).	April 2, 2008; April 9, 2008; <i>El Paso County News</i> .	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	March 25, 2008	080060
El Paso (FEMA Docket No: B-7780).	City of Colorado Springs (07-08-0679P).	March 5, 2008; March 12, 2008; <i>El Paso County News</i> .	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	July 11, 2008	080060
Jefferson (FEMA Docket No: B-7780).	City of Lakewood (08-08-0234P).	March 20, 2008; March 27, 2008; <i>The Golden Transcript</i> .	The Honorable Bob Murphy, Mayor, City of Lakewood 480, South Allison Parkway, Lakewood, CO 80226-3127.	March 11, 2008	085075
Connecticut: Fairfield (FEMA Docket No: B-7772).	Town of Greenwich (07-01-0700P).	January 18, 2008; January 25, 2008; <i>Greenwich Time</i> .	The Honorable Peter Tesei, First Selectman, Town of Greenwich, 101 Field Point Road, Greenwich, CT 06830.	January 9, 2008	090008
Delaware: Sussex (FEMA Docket No: B-7776).	Unincorporated areas of Sussex County (08-03-0159P).	February 13, 2008; February 20, 2008; <i>The Wave</i> .	The Honorable George B. Cole, Sussex County Council, P.O. Box 589, Georgetown, DE 19947.	May 21, 2008	100029
Florida:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Charlotte (FEMA Docket No: B-7776).	Unincorporated areas of Charlotte County (07-04-6248P).	January 31, 2008; February 7, 2008; <i>Charlotte Sun</i> .	The Honorable Adam Cummings, Chairman, Charlotte County, Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	January 17, 2008	120061
Lake (FEMA Docket No: B-7772).	Unincorporated areas of Lake County (07-04-6495P).	January 10, 2008; January 17, 2008; <i>The Daily Commercial</i> .	The Honorable Welton G. Cadwell, Chairman, Lake County, Board of Commissioners, P.O. Box 7800, Tavares, FL 32778-7800.	April 17, 2008	120421
Monroe (FEMA Docket No: B-7772).	Village of Islamorada (07-04-6596P).	December 29, 2007 January 3, 2008; <i>Key West Citizen</i> .	The Honorable Chris Sante, Mayor, Village of Islamorada, P.O. Box 568, Islamorada, FL 33036.	December 10, 2007	120424
Monroe (FEMA Docket No: B-7772).	Unincorporated areas of Monroe County (07-04-3519P).	January 24, 2008; January 31, 2008; <i>Key West Citizen</i> .	The Honorable Charles McCoy, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	May 1, 2008	125129
Polk (FEMA Docket No: B-7780).	City of Lakeland (08-04-0475P).	February 27, 2008; March 5, 2008; <i>Polk County Democrat</i> .	The Honorable Ralph L. Fletcher, Mayor, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, FL 33801.	February 20, 2008	120267
Polk (FEMA Docket No: B-7780).	Unincorporated areas of Polk County (08-04-0620P).	February 13, 2008; February 20, 2008; <i>Polk County Democrat</i> .	The Honorable Bob English, Chairman, Polk County, Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	May 21, 2008	120261
Sarasota (FEMA Docket No: B-7780).	City of Sarasota (08-04-0422P).	March 6, 2008; March 13, 2008; <i>Sarasota Herald-Tribune</i> .	The Honorable Lou Ann Palmer, Mayor, City of Sarasota, 1565 First Street, Suite 101, Sarasota, FL 34236.	February 28, 2008	125150
Sarasota (FEMA Docket No: B-7780).	City of Sarasota (08-04-0621P).	April 4, 2008; April 11, 2008; <i>Sarasota Herald-Tribune</i> .	The Honorable Lou Ann Palmer, Mayor, City of Sarasota, 1565 First Street, Room 101, Sarasota, FL 34236.	March 28, 2008	125150
Georgia:					
Barrow (FEMA Docket No: B-7780).	Unincorporated areas of Barrow County (08-04-0478P).	March 5, 2008; March 12, 2008; <i>Barrow County News</i> .	The Honorable Douglas H. Garrison, Chairman, Barrow County, Board of Commissioners, 233 East Broad Street, Winder, GA 30680.	July 11, 2008	130497
Barrow (FEMA Docket No: B-7776).	Unincorporated areas of Barrow County (07-04-6544P).	February 13, 2008; February 20, 2008; <i>The Barrow County News</i> .	The Honorable Douglas H. Garrison, Chairman, Barrow County, Board of Commissioners, 233 East Broad Street, Winder, GA 30680.	May 21, 2008	130497
Barrow (FEMA Docket No: B-7776).	City of Winder (07-04-6544P).	February 13, 2008; February 20, 2008; <i>The Barrow County News</i> .	The Honorable George "Chip" Thompson III, Mayor, City of Winder, P.O. Box 566, Winder, GA 30680.	May 21, 2008	130234
Chatham (FEMA Docket No: B-7776).	Unincorporated areas of Chatham County (07-04-6193P).	January 15, 2008; January 22, 2008; <i>Effingham Herald</i> .	The Honorable Pete Liakakis, Chairman, Chatham County, Board of Commissioners, 124 Bull Street, Suite 220, Savannah, GA 31401.	April 22, 2008	130030
Cherokee (FEMA Docket No: B-7772).	City of Canton (07-04-2655P).	January 11, 2008; January 18, 2008; <i>Cherokee Tribune</i> .	The Honorable Cecil G. Pruett, Mayor, City of Canton, 151 Elizabeth Street, Canton, GA 30114.	December 26, 2007	130039
Cherokee (FEMA Docket No: B-7772).	Unincorporated areas of Cherokee County (07-04-2655P).	January 11, 2008; January 18, 2008; <i>Cherokee Tribune</i> .	The Honorable Buzz Ahrens, Chairman, Cherokee County, Board of Commissioners, 90 North Street, Suite 310, Canton, GA 30114.	December 26, 2007	130424
Columbia (FEMA Docket No: B-7772).	Unincorporated areas of Columbia County (07-04-5157P).	December 26, 2007 January 2, 2008; <i>Columbia County News-Times</i> .	The Honorable Ron C. Cross, Chairman, Columbia County, Board of Commissioners, P.O. Box 498, Evans, GA 30809.	December 12, 2007	130059
Columbia (FEMA Docket No: B-7772).	City of Grovetown (07-04-5157P).	December 26, 2007 January 2, 2008; <i>Columbia County News-Times</i> .	The Honorable Dennis O. Trudeau, Mayor, City of Grovetown, P.O. Box 120, Grovetown, GA 30813.	December 12, 2007 130265.	
Effingham (FEMA Docket No: B-7776).	Unincorporated areas of Effingham County (07-04-6193P).	January 15, 2008; January 22, 2008; <i>Effingham Herald</i> .	The Honorable Verna H. Phillips, Chairman, Effingham County, Board of Commissioners, 601 North Laurel Street, Springfield, GA 31329.	April 22, 2008	130076
Hawaii:					
Hawaii (FEMA Docket No: B-7780).	Unincorporated areas of Hawaii County (08-09-0102P).	April 3, 2008; April 10, 2008; <i>Hawaii Tribune-Herald</i> .	The Honorable Harry Kim, Mayor, Hawaii County, 25 Aupuni Street, Room 215, Hilo, HI 96720.	March 25, 2008	155166
Maui (FEMA Docket No: B-7780).	Unincorporated areas of Maui County (07-09-0822P).	April 3, 2008; April 10, 2008; <i>Maui News</i> .	The Honorable Charmaine Tavares, Mayor, County of Maui, 200 South High Street, Ninth Floor, Wailuku, HI 96793.	March 25, 2008	150003
Idaho:					
Ada (FEMA Docket No: B-7780).	Unincorporated areas of Ada County (07-10-0641P).	April 4, 2008; April 11, 2008; <i>Idaho Statesman</i> .	The Honorable Fred Tilman, Chairman, Ada County, Board of Commissioners, 200 West Front Street Boise, ID 83702.	August 11, 2008	160001
Ada (FEMA Docket No: B-7780).	City of Meridian (07-10-0641P).	April 4, 2008; April 11, 2008; <i>Idaho Statesman</i> .	The Honorable Tammy de Weerd, Mayor, City of Meridian, 33 East Idaho Avenue, Meridian, ID 83642-2300.	August 11, 2008	160180

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Illinois:	Bonneville (FEMA Docket No: B-7788).	Unincorporated areas of Bonneville County (08-10-0105P).	April 4, 2008; April 11, 2008; <i>Post Register</i> .	The Honorable Lee Staker, Chairman, Bonneville County, Board of Commissioners, 605 North Capital Avenue, Idaho Falls, ID 83402.	March 27, 2008 160027
	DuPage (FEMA Docket No: B-7780).	City of Aurora (08-05-0818P).	April 3, 2008; April 10, 2008; <i>Beacon News</i> .	The Honorable Thomas J. Weisner, Mayor, City of Aurora, 44 East Downer Place, Aurora, IL 60507.	March 25, 2008 170320
	Grundy (FEMA Docket No: B-7780).	Unincorporated areas of Grundy County (08-05-0597P).	March 21, 2008; March 28, 2008; <i>Herald News</i> .	The Honorable Francis E. Halpin, Chairman, Grundy County Board, 1320 Union Street, Morris, IL 60450.	April 14, 2008 170256
	Grundy (FEMA Docket No: B-7780).	City of Morris (08-05-0597P).	March 21, 2008; March 28, 2008; <i>Herald News</i> .	The Honorable Richard Kopczick, Mayor, City of Morris, 320 Wauponsee Street, Morris, IL 60450.	April 14, 2008 170263
	Kane (FEMA Docket No: B-7772).	Unincorporated areas of Kane County (07-05-0178P).	January 24, 2008; January 31, 2008; <i>Kane County Chronicle</i> .	The Honorable Karen McConaughay, Chairman, Kane County Board, 719 South Batavia Avenue, Geneva, IL 60134.	May 1, 2008 170896
	Kane (FEMA Docket No: B-7772).	Village of Sugar Grove (07-05-0178P).	January 24, 2008; January 31, 2008; <i>Kane County Chronicle</i> .	The Honorable P. Sean Michels, President, Village of Sugar Grove, P.O. Box 49, Sugar Grove, IL 60554.	May 1, 2008 170333
	Lake (FEMA Docket No: B-7772).	City of Waukegan (06-05-BR72P).	January 10, 2008; January 17, 2008; <i>Lake County News-Sun</i> .	The Honorable Richard H. Hyde, Mayor, City of Waukegan, 100 North Martin Luther King, Jr. Avenue., Waukegan, IL 60085.	April 17, 2008 170397
	McHenry (FEMA Docket No: B-7772).	Village of Fox River Grove (07-05-5055P).	January 10, 2008; January 17, 2008; <i>Northwest Herald</i> .	The Honorable Katherine A. Laube President, Village of Fox River Grove, 305 Illinois Street, Fox River Grove, IL 60021.	April 17, 2008 170477
	St. Clair (FEMA Docket No: B-7776).	Unincorporated areas of St. Clair County (07-05-5847P).	February 7, 2008; February 14, 2008; <i>Belleville News-Democrat</i> .	The Honorable Mark Kern, Chairman, St. Clair County Board of Commissioners, 10 Public Square, Belleville, IL 62220.	May 15, 2008 170616
	Will (FEMA Docket No: B-7776).	City of Joliet (08-05-0389P).	January 31, 2008; February 7, 2008; <i>Herald News</i> .	The Honorable Arthur Schultz, Mayor, City of Joliet, 150 West Jefferson Street, Joliet, IL 60431.	January 23, 2008 170702
	Will (FEMA Docket No: B-7780).	City of Joliet (07-05-5618P).	March 20, 2008; March 27, 2008; <i>Herald News</i> .	The Honorable Arthur Schultz, Mayor, City of Joliet, 150 West Jefferson Street, Joliet, IL 60431.	March 10, 2008 170702
	Will (FEMA Docket No: B-7776).	City of Lockport (08-05-0065P).	February 14, 2008; February 21, 2008; <i>Herald News</i> .	The Honorable Tim Murphy, Mayor, City of Lockport, 222 East Ninth Street, Lockport, IL 60441.	January 30, 2008 170703
	Will (FEMA Docket No: B-7780).	Village of Mokena (08-05-0765P).	March 20, 2008; March 27, 2008; <i>Herald News</i> .	The Honorable Joseph W. Werner, Village President, Village of Mokena, 11004 Carpenter Street, Mokena, IL 60448.	April 14, 2008 170705
	Will (FEMA Docket No: B-7780).	City of Naperville (08-05-0551P).	March 6, 2008; March 13, 2008; <i>Naperville Sun</i> .	The Honorable A. George Pradel, Mayor, City of Naperville, 400 South Eagle Street, Naperville, IL 60540.	February 29, 2008 170213
	Will (FEMA Docket No: B-7780).	Village of Shorewood (08-05-1364P).	March 28, 2008; April 4, 2008; <i>Herald News</i> .	The Honorable Richard E. Chapman, President, Village of Shorewood, 903 West Jefferson Street, Shorewood, IL 60404.	March 24, 2008 170712
Kansas:	Will (FEMA Docket No: B-7780).	Unincorporated areas of Will County (08-05-0551P).	March 6, 2008; March 13, 2008; <i>Naperville Sun</i> .	The Honorable Lawrence M. Walsh, Will County Executive, 302 North Chicago Street, Joliet, IL 60432.	February 29, 2008 170695
	Douglas (FEMA Docket No: B-7776).	City of Lawrence (07-07-0691P).	February 7, 2008; February 14, 2008; <i>Lawrence Daily Journal-World</i> .	The Honorable Sue Hack, Mayor, City of Lawrence, P.O. Box 708, Lawrence, KS 66044.	January 28, 2008 200090
	Sedgwick (FEMA Docket No: B-7776).	City of Wichita (08-07-0138P).	March 7, 2008; March 14, 2008; <i>The Wichita Eagle</i> .	The Honorable Carl Brewer, Mayor, City of Wichita, 455 North Main Street, Wichita, KS 67202.	February 26, 2008 200328
Maryland:	Sedgwick (FEMA Docket No: B-7780).	City of Wichita (07-07-1695P).	April 4, 2008; April 11, 2008; <i>Wichita Eagle</i> .	The Honorable Carl Brewer, Mayor, City of Wichita, 455 North Main Street, Wichita, KS 67202.	March 27, 2008 200328
	Charles (FEMA Docket No: B-7776).	Unincorporated areas of Charles County (07-03-1449P).	March 5, 2008; March 12, 2008; <i>Maryland Independent</i> .	The Honorable Wayne Cooper, President, Charles County Commissioners, P.O. Box 2150, La Plata, MD 20646.	July 11, 2008 240089
	Montgomery (FEMA Docket No: B-7776).	Unincorporated areas of Montgomery County (08-03-0615X).	February 27, 2008; March 5, 2008; <i>The Gazette</i> .	Mr. Isiah Leggett, Montgomery County Executive, 101 Monroe Street, Second Floor, Rockville, MD 20850.	June 5, 2008 240049
	Wicomico (FEMA Docket No: B-7776).	City of Salisbury (07-03-1102P).	January 31, 2008; February 7, 2008; <i>Daily Times</i> .	The Honorable Barrie Tilghman, Mayor, City of Salisbury, 1009 Monitor Court, Salisbury, MD 21801.	January 18, 2008 240080

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Wicomico (FEMA Docket No: B-7776).	Unincorporated areas of Wicomico County (07-03-1102P).	January 31, 2008; February 7, 2008; <i>Daily Times</i> .	Mr. Rick Pollitt, Wicomico County Executive, P.O. Box 870, Salisbury, MD 21803.	January 18, 2008	240078
Massachusetts:					
Norfolk (FEMA Docket No: B-7776).	Town of Wellesley (08-01-0508X).	March 6, 2008; March 13, 2008; <i>Wellesley Townsman</i> .	The Honorable Owen H. Dugan, Chairman, Board of Selectmen, 525 Washington Street, Wellesley, MA 02181.	July 11, 2008	250255
Plymouth (FEMA Docket No: B-7776).	Town of Rockland (08-01-0140P).	March 15, 2008; March 22, 2008; <i>Rockland Standard</i> .	The Honorable Mary Parsons, Chair, Board of Selectmen, Town of Rockland, 242 Union Street, Rockland, MA 02370.	June 16, 2008	250281
Worcester (FEMA Docket No: B-7772).	Town of Southborough (07-01-0993P).	January 18, 2008; January 25, 2008; <i>Northborough-Southborough Villager</i> .	The Honorable Bonnie J. Phaneuf, Chair, Board of Selectmen, Southborough Town House, 17 Common Street, Southborough, MA 01772.	January 31, 2008	250333
Michigan: Monroe (FEMA Docket No: B-7776).	Village of Dundee (07-05-0218P).	February 14, 2008; February 21, 2008; <i>The Monroe Evening News</i> .	The Honorable Ted Norris, Village President, Village of Dundee, Dundee Village Office, 350 West Monroe Street, Dundee, MI 48131.	May 22, 2008	260313
Minnesota: Dakota (FEMA Docket No: B-7780).	City of Lakeville (08-05-0668P).	April 3, 2008; April 10, 2008; <i>Lakeville Sun Current</i> .	The Honorable Holly Dahl, Mayor, City of Lakeville, 20195 Holyoke Avenue, Lakeville, MN 55044.	March 26, 2008	270107
Missouri:					
Lincoln (FEMA Docket No: B-7776).	Unincorporated areas of Lincoln County (07-07-1516P).	March 26, 2008; April 2, 2008; <i>Troy Free Press</i> .	The Honorable Sean O'Brien, Presiding Commissioner, Lincoln County Commission, 201 Main Street, Troy, MO 63379.	July 31, 2008	290869
Taney (FEMA Docket No: B-7780).	City of Branson (07-07-1909P).	March 7, 2008; March 14, 2008; <i>Branson Daily News</i> .	The Honorable Raeanne Presley, Mayor, City of Branson, 110 West Maddux Street, Branson, MO 65616.	July 14, 2008	290436
Taney (FEMA Docket No: B-7780).	City of Hollister (07-07-1909P).	March 7, 2008; March 14, 2008; <i>Branson Daily News</i> .	The Honorable David G. Tate, Mayor, City of Hollister, 312 Esplanade Street, Hollister, MO 65373.	July 14, 2008	290437
Taney (FEMA Docket No: B-7780).	Unincorporated areas of Taney County (07-07-1909P).	March 7, 2008; March 14, 2008; <i>Branson Daily News</i> .	The Honorable Chuck Pennel, Presiding Commissioner, Taney County Commission, P.O. Box 383, Forsyth, MO 65653.	July 14, 2008	290435
Nebraska: Lincoln (FEMA Docket No: B-7776).	City of North Platte (07-07-0322P).	February 28, 2008; March 6, 2008; <i>North Platte Telegraph</i> .	The Honorable G. Keith Richardson, Mayor, City of North Platte, 211 West Third Street, North Platte, NE 69101.	July 7, 2008	310143
New Jersey:					
Mercer (FEMA Docket No: B-7776).	Township of Hamilton (07-02-0844P).	February 7, 2008; February 14, 2008; <i>Trenton Times</i> .	The Honorable John F. Bencivengo, Mayor, Township of Hamilton, 2090 Greenwood Avenue, Hamilton, NJ 08650-0150.	May 15, 2008	340246
Monmouth (FEMA Docket No: B-7766).	Township of Neptune (07-02-0634P).	December 13, 2007 December 20, 2007 <i>Asbury Park Press</i> .	The Honorable James Manning, Jr., Mayor, Township of Neptune, P.O. Box 1125, Neptune, NJ 07754.	November 28, 2007	340317
Union (FEMA Docket No: B-7776).	Township of Union (07-02-0942P).	February 21, 2008; February 28, 2008; <i>Union Leader</i> .	The Honorable Clifton People, Jr., Mayor, Township of Union, 1976 Morris Avenue, Union, NJ 07083.	May 22, 2008	340477
North Carolina:					
Brunswick (FEMA Docket No: B-7776).	Unincorporated Areas of Brunswick County (07-04-6003P).	March 6, 2008; March 13, 2008; <i>The Brunswick Beacon</i> .	Mr. Marty Lawing, Manager, Brunswick County, P.O. Box 249, Bolivia, North Carolina 28422.	January 30, 2008	370295
Forsyth (FEMA Docket No: B-7785).	City of Winston-Salem (07-04-4554P).	February 27, 2008; March 5, 2008; <i>Winston-Salem Journal</i> .	The Honorable Allen Joines, Mayor, City of Winston-Salem, 101 North Main Street, Winston-Salem, North Carolina 27101.	July 3, 2008	375360
Martin (FEMA Docket No: B-7776).	Unincorporated Areas of Martin County (08-04-1028P).	March 11, 2008; March 18, 2008; <i>The Enterprise</i> .	Mr. W. Russell Overman, Manager, Martin County, P.O. Box 668, Williamston, North Carolina 27892.	February 29, 2008	370155
Wake (FEMA Docket No: B-7776).	Unincorporated areas of Wake County (07-04-6027P).	January 31, 2008; February 7, 2008; <i>The Wake Weekly</i> .	Mr. David Cooke, Manager, Wake County 337, South Salisbury Street, Suite 1100, Raleigh, NC 27602.	May 8, 2008	370368
Wake (FEMA Docket No: B-7776).	Town of Wake Forest (07-04-6027P).	January 31, 2008; February 7, 2008; <i>The Wake Weekly</i> .	The Honorable Vivian A. Jones, Mayor, Town of Wake Forest, 401 Elm Avenue, Wake Forest, NC 27587.	May 8, 2008	370244
Ohio: Union (FEMA Docket No: B-7776).	Unincorporated areas of Union County (07-05-6234P).	January 31, 2008; February 7, 2008; <i>Marysville Journal-Tribune</i> .	The Honorable Charles Hall, Union County Commissioner, 233 West Sixth Street, Marysville, OH 43040.	January 11, 2008	390808
Oklahoma: Tulsa (FEMA Docket No: B-7776).	City of Tulsa (08-06-0093P).	February 7, 2008; February 14, 2008; <i>Tulsa World</i> .	The Honorable Kathy Taylor, Mayor, City of Tulsa, 200 Civic Center, 11th Floor, Tulsa, OK 74103.	May 15, 2008	405381
Pennsylvania:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Lehigh (FEMA Docket No: B-7772).	Township of Salisbury (07-03-0947P).	January 3, 2008; January 10, 2008; <i>Express-Times</i> .	The Honorable Larry Unger President, Township of Salisbury, 2900 South Pike Avenue, Allentown, PA 18103.	April 10, 2008	420591
Northampton (FEMA Docket No: B-7772).	Township of Lower Mount Bethel (07-03-1293P).	January 3, 2008; January 10, 2008; <i>Express-Times</i> .	The Honorable Charles Palmeri, Chairman, Lower Mount Bethel, Board of Supervisors, P.O. Box 257, Martins Creek, PA 18063.	April 10, 2008	420724
Rhode Island: Newport (FEMA Docket No: B-7776).	Town of Tiverton (07-01-1087P).	February 21, 2008; February 28, 2008; <i>Newport Daily News</i> .	The Honorable Louise Durfee, President, Town Council, 343 Highland Road, Tiverton, RI 02878.	February 8, 2008	440012
South Carolina:					
Charleston (FEMA Docket No: B-7772).	City of Folly Beach (08-04-0583P).	January 3, 2008; January 10, 2008; <i>The Post and Courier</i> .	The Honorable Carl B. Beckmann, Jr., Mayor, City of Folly Beach, P.O. Box 48, Folly Beach, SC 29439.	December 18, 2007	455415
Greenville (FEMA Docket No: B-7780).	Unincorporated areas of Greenville County (08-04-0619P).	March 7, 2008; March 14, 2008; <i>The Greenville News</i> .	The Honorable Butch Kirven, Chairman, Greenville County, Council 213 League Road, Simpsonville, SC 29681.	July 11, 2008	450089
Greenville (FEMA Docket No: B-7772).	Greenville County (07-04-5799P).	January 10, 2008; January 17, 2008; <i>The Greenville News</i> .	The Honorable Herman G. Kirven, Jr., Chairman, Greenville County Council, 301 University Ridge, Suite 2400, Greenville, SC 29601.	April 17, 2008	450089
Greenville (FEMA Docket No: B-7776).	Unincorporated areas of Greenville County (07-04-6423P).	January 31, 2008; February 7, 2008; <i>Greenville News</i> .	The Honorable Herman G. Kirven, Jr., Chairman, Greenville County Council, 301 University Ridge, Suite 2400, Greenville, SC 29601.	May 8, 2008	450089
Jasper (FEMA Docket No: B-7776).	Unincorporated areas of Jasper County (07-04-6192P).	February 13, 2008; February 20, 2008; <i>Jasper County Sun</i> .	The Honorable George Hood, Chairman, County Council, Jasper County, P.O. Box 1149, Ridgeland, SC 29936.	May 21, 2008	450112
Richland (FEMA Docket No: B-7780).	Unincorporated areas of Richland County (08-04-1671P).	March 7, 2008; March 14, 2008; <i>Columbia Star</i> .	The Honorable Joseph McEachern, Chairman, Richland County Council, 2020 Hampton Street, Second Floor, Columbia, SC 29202.	July 14, 2008	450170
Richland (FEMA Docket No: B-7780).	Unincorporated areas of Richland County (07-04-3534P).	March 7, 2008; March 14, 2008; <i>Columbia Star</i> .	The Honorable Joseph McEachern, Chairman, Richland County Council, 2020 Hampton Street, Suite 4069, Columbia, SC 29202.	July 14, 2008	450170
Sumter (FEMA Docket No: B-7772).	Unincorporated areas of Sumter County (07-04-6293P).	January 10, 2008; January 17, 2008; <i>Sumter Item</i> .	The Honorable Vivian Fleming-McGhaney, Chair, Sumter County Council, 13 East Canal Street, Sumter, SC 29150.	April 17, 2008	450182
Tennessee:					
Davidson (FEMA Docket No: B-7780).	Metropolitan Government of Nashville & Davidson County (08-04-0137P).	March 6, 2008; March 13, 2008; <i>The Tennessean</i> .	The Honorable Bill Purcell, Mayor, Metropolitan Government of Nashville and Davidson County, 107 Metropolitan Courthouse, Nashville, TN 37201.	July 11, 2008	470040
Hamilton (FEMA Docket No: B-7772).	City of Chattanooga (07-04-4405P).	January 10, 2008; January 17, 2008; <i>Chattanooga Times Free Press</i> .	The Honorable Ron Littlefield, Mayor, City of Chattanooga, 101 East 11th Street, Suite 100, Chattanooga, TN 37402.	April 17, 2008	470072
Madison (FEMA Docket No: B-7780).	City of Jackson (07-04-4683P).	March 7, 2008; March 14, 2008; <i>Jackson Sun</i> .	The Honorable Jerry Gist, Mayor, City of Jackson, 121 East Main Street, Suite 301, Jackson, TN 38301.	March 31, 2008	470113
Wilson (FEMA Docket No: B-7780).	City of Lebanon (08-04-0116P).	March 7, 2008; March 14, 2008; <i>Wilson Post</i> .	The Honorable Donald W. Fox, Mayor, City of Lebanon, 200 North Castle Heights Avenue, Suite 100, Lebanon, TN 37087.	July 21, 2008	470208
Wilson (FEMA Docket No: B-7780).	Unincorporated areas of Wilson County (08-04-0116P).	March 7, 2008; March 14, 2008; <i>Wilson Post</i> .	The Honorable Robert Dedman, Mayor, Wilson County, 228 East Main Street, Lebanon, TN 37087.	July 21, 2008	470207
Texas:					
Bexar (FEMA Docket No: B-7776).	City of Live Oak (07-06-1905P).	March 7, 2008; March 14, 2008; <i>Daily Commercial Recorder</i> .	The Honorable Henry O. Edwards, Jr., Mayor, City of Live Oak, 8001 Shin Oak Drive, Live Oak, TX 78233.	July 14, 2008	480043
Bexar (FEMA Docket No: B-7776).	City of San Antonio (08-06-0160P).	February 11, 2008; February 18, 2008; <i>San Antonio Express-News</i> .	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	January 31, 2008	480045
Brazos (FEMA Docket No: B-7776).	City of College Station (07-06-0545P).	March 6, 2008; March 13, 2008; <i>Bryan College Station Eagle</i> .	The Honorable Ben White, Mayor, City of College Station, 1101 Texas Avenue, College Station, TX 77840.	July 11, 2008	480083
Brazos (FEMA Docket No: B-7776).	City of College Station (07-06-1353P).	February 14, 2008; February 21, 2008; <i>Bryan College Station Eagle</i> .	The Honorable Ben White, Mayor, City of College Station, 1101 Texas Avenue, College Station, TX 77840.	May 22, 2008	480083
Brazos (FEMA Docket No: B-7776).	City of College Station (07-06-1928P).	February 14, 2008; February 21, 2008; <i>Bryan College Station Eagle</i> .	The Honorable Ben White, Mayor, City of College Station, 1101 Texas Avenue, College Station, TX 77840.	May 22, 2008	480083
Brazos (FEMA Docket No: B-7785).	City of College Station (07-06-2365P).	April 7, 2008; April 10, 2008; <i>Bryan College Station Eagle</i> .	The Honorable Ben White, Mayor, City of College Station, 1101 Texas Avenue, College Station, TX 77840.	April 25, 2008	480083

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Collin (FEMA Docket No: B-7776).	City of Allen (07-06-2335P).	February 7, 2008; February 14, 2008; <i>Allen American</i> .	The Honorable Steve Terrell, Mayor, City of Allen, 305 Century Parkway, Allen, TX 75013.	March 3, 2008	480131
Collin (FEMA Docket No: B-7776).	City of Frisco (07-06-1223P).	February 22, 2008; February 29, 2008; <i>Frisco Enterprise</i> .	The Honorable Michael Simpson, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	June 30, 2008	480134
Dallas (FEMA Docket No: B-7780).	City of Coppell (07-06-2203P).	April 2, 2008; April 9, 2008; <i>Coppell Gazette</i> .	The Honorable Douglas N. Stover, Mayor, City of Coppell, P.O. Box 9478, Coppell, TX 75019.	April 24, 2008	480170
Dallas (FEMA Docket No: B-7772).	City of Dallas (06-06-BF24P).	January 31, 2008; February 7, 2008; <i>The Mesquite News</i> .	The Honorable Tom Leppert, Mayor, City of Dallas, 1500 Marilla Street, Room 5EN, Dallas, TX 75201.	May 8, 2008	480171
Dallas (FEMA Docket No: B-7776).	City of Grand Prairie (07-06-1525P).	February 8, 2008; February 15, 2008; <i>Rowlett Lakeshore Times</i> .	The Honorable Charles England, Mayor, City of Grand Prairie, P.O. Box 534045, Grand Prairie, TX 75053.	May 16, 2008	485472
Dallas (FEMA Docket No: B-7772).	Town of Sunnyvale (06-06-BF24P).	January 31, 2008; February 7, 2008; <i>The Mesquite News</i> .	The Honorable Jim Phaup, Mayor, Town of Sunnyvale, 127 North Collins Road, Sunnyvale, TX 75182.	May 8, 2008	480188
Denton (FEMA Docket No: B-7776).	Town of Northlake (07-06-2016P).	March 6, 2008; March 13, 2008; <i>Denton Record-Chronicle</i> .	The Honorable Peter Dewing, Mayor, Town of Northlake, P.O. Box 729, Northlake, TX 76247.	February 22, 2008	480782
El Paso (FEMA Docket No: B-7780).	City of El Paso (07-06-2485P).	April 3, 2008; April 10, 2008; <i>El Paso Times</i> .	The Honorable John Cook, Mayor, City of El Paso, Two Civic Center Plaza, Tenth Floor, El Paso, TX 79901.	March 27, 2008	480214
Fort Bend (FEMA Docket No: B-7772).	City of Katy (07-06-2143P).	January 3, 2008; January 10, 2008; <i>Fort Bend Herald</i> .	The Honorable Don Elder, Jr., Mayor, City of Katy, P.O. Box 617, Katy, TX 77492.	December 14, 2007	480301
Kaufman (FEMA Docket No: B-7772).	Unincorporated areas of Kaufman County (06-06-BF24P).	January 31, 2008; February 7, 2008; <i>The Mesquite News</i> .	The Honorable Wayne Gent, Kaufman County Judge, 100 West Mulberry Street, Kaufman, TX 75142.	May 8, 2008	480411
Tarrant (FEMA Docket No: B-7780).	City of Bedford (08-06-1343P).	March 7, 2008; March 14, 2008; <i>Colleyville Courier</i> .	The Honorable Jim Story, Mayor, City of Bedford, 2000 Forest Ridge Drive, Bedford, TX 76021.	June 13, 2008	480585
Tarrant (FEMA Docket No: B-7780).	City of Euless (08-06-1343P).	March 7, 2008; March 14, 2008; <i>Colleyville Courier</i> .	The Honorable Mary Lib Saleh, Mayor, City of Euless, 201 North Ector Drive, Euless, TX 76039.	June 13, 2008	480593
Tarrant (FEMA Docket No: B-7776).	City of Grapevine (07-06-1674P).	March 7, 2008; March 14, 2008; <i>Grapevine Courier</i> .	The Honorable William D. Tate, Mayor, City of Grapevine, P.O. Box 95104, Grapevine, TX 76099.	July 14, 2008	480598
Tarrant (FEMA Docket No: B-7776).	City of North Richland Hills (07-06-1765P).	February 28, 2008; March 6, 2008; <i>Dallas Morning News</i> .	The Honorable Oscar Trevino, Jr., P.E., Mayor, City of North Richland Hills, 7301 North East Loop, 820 North Richland Hills, TX 76180.	February 14, 2008	480607
Virginia: Independent City (FEMA Docket No: B-7776).	City of Winchester (07-03-1236P).	March 27, 2008; April 3, 2008; <i>Winchester Star</i> .	The Honorable Elizabeth Minor, Mayor, City of Winchester, 422 National Avenue, Winchester, VA 22601.	March 17, 2008	510173
Washington: Whatcom (FEMA Docket No: B-7772).	Unincorporated areas of Whatcom County (07-10-0356P).	January 3, 2008; January 10, 2008; <i>The Bellingham Herald</i> .	The Honorable Pete Kremen, Whatcom County Executive, County Courthouse, 311 Grand Avenue, Suite 108, Bellingham, WA 98225.	December 17, 2007	530198

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

Dated: August 4, 2008.

David I. Maurstad,

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

[FR Doc. E8-19007 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

remain qualified for participation in the National Flood Insurance Program (NFIP).

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

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

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency

Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

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

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

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for

each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

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

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

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

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

§ 67.11 [Amended]

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

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Columbia County, Florida and Incorporated Areas FEMA Docket No.: B-7702			
Cannon Creek	Approximately 450 feet upstream of the confluence with Clay Hole Creek.	+70	Columbia County (Unincorporated Areas).
	Approximately 650 feet upstream of Quail Heights Boulevard.	+136	
Montgomery Outlet Stream	Approximately 900 feet upstream of the confluence with Alligator Lake.	+104	City of Lake City.
	At the confluence with Lake Montgomery	+131	
Lake Montgomery Rose Creek	Entire shoreline	+130.8	City of Lake City.
	Approximately 1,350 feet upstream of the confluence with Clay Hole Creek.	+50	Columbia County (Unincorporated Areas).
	Approximately 600 feet upstream of SW Tustennugue Avenue.	+88	
Ponding Area 1	An approximately 77 acre area at the intersection of Upchurch Road and Prairie Road.	+91.3	Columbia County (Unincorporated Areas).
Ponding Area 2	An approximately 10 acre area at the intersection of Troy Road and Callanan Road.	+93.6	Columbia County (Unincorporated Areas).
Ponding Area 3a	An approximately 25 acre area at the intersection of County Road 252 and Holly Drive.	+103.2	Columbia County (Unincorporated Areas).
Ponding Area 3b	An approximately 5 acre area at the intersection of Pine Lane and Forest Avenue.	+107.7	Columbia County (Unincorporated Areas).
Ponding Area 3c	An approximately 5 acre area just west of Cherokee Road	+104.2	Columbia County (Unincorporated Areas).
Ponding Area 3d	An approximately 11 acre area just east of Cherokee Road.	+104.5	Columbia County (Unincorporated Areas).
Ponding Area 3e	An approximately 5 acre area just east of Johnathan Road.	+105.3	Columbia County (Unincorporated Areas).

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

Columbia County (Unincorporated Areas)

Maps are available for inspection at the Columbia County Courthouse, 173 Northeast Hernando Avenue, Lake City, Florida.

Send comments to Mr. Dale Williams, Columbia County Manager, P.O. Box 1529, Lake City, Florida 32056-1529.

City of Lake City

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
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Maps are available for inspection at the Lake City City Hall, 205 North Marion Avenue, Lake City, Florida.

Send comments to Mr. Grayson Cason, Lake City City Manager, 205 North Marion Avenue, Lake City, Florida 32055.

**Gadsden County, Florida, and Incorporated Areas
FEMA Docket No.: B-7746**

Holley Branch	Approximately 2,500 feet upstream of the confluence with Ochlockonee River.	+86	Unincorporated Areas of Gadsden County, City of Midway.
	Approximately 4,300 feet upstream of Dupont Road	+123	
Holley Branch Unnamed Tributary.	At the confluence with Holley Branch	+91	Unincorporated Areas of Gadsden County, City of Midway.
	Approximately 4,400 feet upstream of the confluence with Holley Branch.	+101	
Lake Talquin (Unnamed Tributary).	Approximately 1,100 feet upstream of the confluence with Lake Talquin.	+75	Unincorporated Areas of Gadsden County.
	Approximately 1.8 miles upstream of the confluence with Lake Talquin.	+120	
Monroe Creek	Approximately 1,400 feet upstream of the confluence with Little River.	+86	Unincorporated Areas of Gadsden County, City of Midway.
	Approximately 800 feet upstream of U.S. Highway 90	+139	
Mosquito Creek Unnamed Tributary.	Just upstream of Martin Luther King Jr. Boulevard	+77	City of Chattahoochee.
	Just downstream of East River Road	+103	
Ochlockonee River Unnamed Tributary.	Approximately 4,200 feet upstream of the confluence with Ochlockonee River.	+100	Unincorporated Areas of Gadsden County.
	Approximately 1.6 miles upstream of the confluence of Unnamed Tributary to Ochlockonee River Unnamed Tributary.	+156	
South Mosquito Creek	Approximately 1,670 feet upstream of the confluence with Mosquito Creek (just upstream of the Gadsden County/ City of Chattahoochee corporate limit).	+81	Unincorporated Areas of Gadsden County.
	Approximately 2,400 feet upstream of the confluence with South Mosquito Creek Unnamed Tributary.	+81	
South Mosquito Creek Unnamed Tributary.	Approximately 200 feet upstream of the confluence with South Mosquito Creek.	+81	Unincorporated Areas of Gadsden County, City of Chattahoochee.
	Approximately 4,100 feet upstream of Depot Road	+118	
Tanyard Branch	Approximately 1,200 feet upstream of the confluence with Quincy Creek.	+118	Unincorporated Areas of Gadsden County, City of Quincy.
	Approximately 180 feet upstream of Seventh Street	+182	
Tanyard Branch Unnamed Tributary 1.	At the confluence with Tanyard Branch	+130	City of Quincy.
	Approximately 150 feet upstream of Circle Drive	+162	
Tanyard Branch Unnamed Tributary 2.	At the confluence with Tanyard Branch	+131	Unincorporated Areas of Gadsden County, City of Quincy.
	Approximately 4,500 feet upstream of the confluence with Tanyard Branch.	+146	
Unnamed Tributary to Ochlockonee River Unnamed Tributary.	At the confluence with Ochlockonee River Unnamed Tributary.	+130	Unincorporated Areas of Gadsden County, Town of Havana.
	Approximately 2,350 feet upstream of State Highway 12 ..	+152	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

City of Chattahoochee

Maps are available for inspection at Chattahoochee City Hall, 22 Jefferson Street, Chattahoochee, FL.

City of Midway

Maps are available for inspection at Midway City Hall, 50 Martin Luther King Boulevard, Midway, FL.

City of Quincy

Maps are available for inspection at Quincy City Hall, 404 West Jefferson Street, Quincy, FL.

Town of Havana

Maps are available for inspection at Havana Town Hall, 711 North Main Street, Havana, FL.

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

Maps are available for inspection at Gadsden County Administration Building, 5B East Jefferson Street, Quincy, FL.

**Union County, Florida, and Incorporated Areas
FEMA Docket No.: B-7746**

Santa Fe River Unnamed Tributary.	Approximately 2,000 feet upstream of the confluence with the Santa Fe River.	+73	Town of Worthington Springs, Unincorporated Areas of Union County.
	Approximately 1,940 feet upstream of Southwest 43rd Trail.	+113	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES**Town of Worthington Springs**

Maps are available for inspection at Worthington Springs City Hall, State Road 121 3rd Avenue, Worthington Springs, FL.

FL Unincorporated Areas of Union County

Maps are available for inspection at Union County Office of Emergency Management, 58 Northwest 1st Street, Lake Butler, FL.

**Bertie County, North Carolina and Incorporated Areas
Docket Nos.: FEMA-D-7668, FEMA-B-7751, FEMA-B-7749**

Barbeque Swamp	Approximately 0.8 mile downstream of the Bertie/Hertford County boundary.	+13	Unincorporated Areas of Bertie County.
	Approximately 1.2 miles upstream of Meadow Road (State Road 1312).	+50	
Beaverdam Swamp	At the confluence with Loosing Swamp	+32	Unincorporated Areas of Bertie County.
	Approximately 2.5 miles upstream of the confluence with Loosing Swamp.	+41	
Black Walnut Swamp	Approximately 3.1 miles upstream of the confluence with Albemarle Sound.	+6	Unincorporated Areas of Bertie County.
	Approximately 4.4 miles upstream of the confluence with Albemarle Sound.	+18	
Brittons Creek	At the confluence with Roanoke River	+31	Unincorporated Areas of Bertie County.
	Approximately 900 feet upstream of Black Jack Road (State Route 1135).	+48	
Brittons Creek Tributary 1	At the confluence with Brittons Creek	+38	Unincorporated Areas of Bertie County.
	Approximately 1,900 feet upstream of the confluence with Brittons Creek.	+53	
Cashie River	Approximately 4.0 miles upstream of NC-45	+7	Unincorporated Areas of Bertie County, Town of Windsor.
	Approximately 1,150 feet upstream of the confluence of Cashie River Tributary 5.	+79	
Cashie River Tributary 1	Approximately 150 feet upstream of Peterson Lane	+9	Unincorporated Areas of Bertie County, Town of Windsor.
	Approximately 2.4 miles upstream of the confluence of Cashie River Tributary 1A.	+34	
Cashie River Tributary 1A	At the confluence with Cashie River Tributary 1	+9	Unincorporated Areas of Bertie County, Town of Windsor.
	Approximately 300 feet upstream of Clark Avenue	+19	
Cashie River Tributary 3	At the confluence with Cashie River	+64	Unincorporated Areas of Bertie County.
	Approximately 0.4 mile upstream of the confluence with Cashie River.	+68	
Cashie River Tributary 5	At the confluence with Cashie River	+76	Unincorporated Areas of Bertie County.
	Approximately 150 feet downstream of Harrells Siding Road (State Route 1208).	+80	
Cashie Swamp	At the confluence with Cashie River	+58	Unincorporated Areas of Bertie County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Cashie Swamp Tributary 1	Approximately 1,500 feet upstream of Floyd Hall Road (State Route 437). At the confluence with Cashie Swamp	+82 +61	Unincorporated Areas of Bertie County.
Cashie Swamp Tributary 1A	Approximately 0.5 mile upstream of the confluence of Cashie Swamp Tributary 1A. At the confluence with Cashie Swamp Tributary 1	+74 +66	Unincorporated Areas of Bertie County.
Cashie Swamp Tributary 2	Approximately 0.5 mile upstream of Piney Woods Road ... At the confluence with Cashie Swamp	+74 +67	Unincorporated Areas of Bertie County, Town of Kelford.
Cashie Swamp Tributary 3	Approximately 400 feet upstream of Railroad Street	+86	Unincorporated Areas of Bertie County, Town of Kelford.
	At the confluence with Cashie Swamp	+79	
Cashoke Creek	Approximately 1,950 feet upstream of North Main Street (State Highway 308). Approximately 50 feet upstream of State Highway 45	+89 +7	Unincorporated Areas of Bertie County.
Cashoke Creek Tributary 1	Approximately 1,000 feet downstream of Sans Souci Road (State Route 1500). At the confluence with Cashoke Creek	+22 +7	Unincorporated Areas of Bertie County.
Chinkapin Swamp	Approximately 550 feet upstream of Cooper Hill Road (State Highway 308). At the Bertie/Hertford County boundary	+33 +14	Unincorporated Areas of Bertie County, Town of Colerain.
Chiska Creek	Approximately 2.2 miles upstream of NC 42 Highway	+48	Unincorporated Areas of Bertie County.
	At the confluence with Cashie River	+16	
Coniott Creek	Approximately 1.2 miles upstream of Governors Road (State Highway 308). At the confluence with Roanoke River	+50 +20	Unincorporated Areas of Bertie County.
Connaritsa Swamp	Approximately 0.7 mile upstream of Indian Woods Road (State Route 1108). At the confluence with Cashie River	+40 +31	Unincorporated Areas of Bertie County.
Cricket Swamp	Approximately 0.6 mile upstream of Connaritsa Road (State Route 1200). Approximately 100 feet upstream of NC 45	+63 +12	Unincorporated Areas of Bertie County.
Cucklemaker Creek	Approximately 0.8 mile upstream of Holley Road (State Road 1354). At the confluence with Hoggards Mill Creek	+50 +27	Unincorporated Areas of Bertie County.
Cypress Swamp	Approximately 1.8 miles upstream of Bull Hill Road (State Route 1301). At the confluence with Chinkapin Swamp	+37 +21	Unincorporated Areas of Bertie County
Eason Swamp	Approximately 0.7 mile upstream of Nowell Farm Road (State Road 1314). At the confluence with Loosing Swamp and Wildcat Swamp.	+49 +37	Unincorporated Areas of Bertie County.
Eastmost Swamp	Approximately 1.3 miles upstream of Sheriff Garrett Road (State Road 1246). Approximately 10 feet upstream of Nixon Road (State Road 1354).	+47 +43	Unincorporated Areas of Bertie County.
Eastmost Swamp Tributary 1 ...	Approximately 1,950 feet upstream of Perrytown Road (State Road 1344). Approximately 20 feet upstream of Farless Road (State Road 1355).	+58 +35	Unincorporated Areas of Bertie County.
Eastmost Swamp Tributary 2 ...	Approximately 0.9 mile upstream of Farless Road (State Road 1355). Approximately 20 feet upstream of NC 45	+38 +41	Unincorporated Areas of Bertie County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Eastmost Swamp Tributary 2A	Approximately 0.7 mile upstream of the confluence of Eastmost Swamp Tributary 2A. At the confluence with Eastmost Swamp Tributary 2	+48 +41	Unincorporated Areas of Bertie County.
Flag Run Gut	Approximately 170 feet downstream of Blackrock Road (State Road 1358). At the confluence with Roanoke River	+51 +30	Unincorporated Areas of Bertie County.
Flat Swamp	Approximately 450 feet downstream of Governors Road ... At the confluence with Hoggards Mill Creek	+73 +27	Unincorporated Areas of Bertie County.
Flat Swamp Tributary 1	Approximately 0.5 mile upstream of Browns School Road (State Route 1348). At the confluence with Flat Swamp	+55 +30	Unincorporated Areas of Bertie County.
Flat Swamp Tributary 2	Approximately 50 feet downstream of Bakertown Road (State Road 1366). At the confluence with Flat Swamp	+34 +31	Unincorporated Areas of Bertie County.
Flat Swamp Tributary 3	Approximately 1.4 miles upstream of Jessie Mack Road (State Route 1351). At the confluence with Flat Swamp	+55 +37	Unincorporated Areas of Bertie County.
Flat Swamp Tributary 4	Approximately 1,500 feet upstream of Doc Baker Road (State Route 1350). At the confluence with Flat Swamp	+52 +43	Unincorporated Areas of Bertie County.
Fort Branch	Approximately 0.5 mile upstream of Browns School Road (State Route 1348). At the Town of Aulander Extraterritorial Jurisdiction/Hertford County boundary.	+53 +55	Unincorporated Areas of Bertie County, Town of Aulander.
Fort Branch Tributary 1	Approximately 1,430 feet upstream of East Elm Street At the confluence with Fort Branch	+64 +60	Town of Aulander.
Fort Branch Tributary 2	Approximately 0.5 mile upstream of North Commerce Street. At the confluence with Fort Branch	+71 +61	Town of Aulander.
Hoggards Mill Creek	Approximately 1,030 feet upstream of Bell Street	+69	
	At the confluence with Cashie River	+13	Unincorporated Areas of Bertie County.
Indian Creek	At the confluences of Cucklemaker Creek and Flat Swamp. At the confluence with Roanoke River	+27 +25	Unincorporated Areas of Bertie County, Town of Lewiston Woodville.
Indian Creek Tributary 1	At the confluence of Jacks Branch	+44	
	At the confluence with Indian Creek	+40	Unincorporated Areas of Bertie County.
Jacks Branch	Approximately 1.5 miles upstream of the confluence with Indian Creek. At the confluence with Indian Creek	+44 +44	Unincorporated Areas of Bertie County, Town of Lewiston Woodville.
Loosing Swamp	Approximately 0.5 mile downstream of Jack Branch Road (State Route 1119). At the confluence with Quidccoson Swamp	+53 +27	Unincorporated Areas of Bertie County.
Loosing Swamp Tributary 1	At the confluence of Eason Swamp and Wildcat Swamp .. At the confluence with Loosing Swamp	+37 +28	Unincorporated Areas of Bertie County.
Mill Swamp	Approximately 1.2 miles upstream of the confluence with Loosing Swamp. At the confluence with Roquist Creek	+41 +9	Unincorporated Areas of Bertie County.
Quidccoson Swamp	Approximately 0.9 mile upstream of George Leggett Road (State Route 1523). At the confluence with Loosing Swamp	+20 +27	Unincorporated Areas of Bertie County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Quidccoson Swamp Tributary 1	Approximately 0.4 mile upstream of Cremo Road (State Road 1313). At the confluence with Quidccoson Swamp	+52 +27	Unincorporated Areas of Bertie County.
Quidccoson Swamp Tributary 2	Approximately 0.5 mile upstream of the confluence with Quidccoson Swamp. At the confluence with Quidccoson Swamp	+36 +32	
Quidccoson Swamp Tributary 3	Approximately 1.1 miles upstream of U.S. 13 Highway At the confluence with Quidccoson Swamp	+48 +35	Unincorporated Areas of Bertie County.
Quidccoson Swamp Tributary 4	Approximately 0.9 mile upstream of the confluence with Quidccoson Swamp. At the confluence with Quidccoson Swamp	+49 +44	
Redbud Branch	Approximately 0.5 mile upstream of the confluence with Quidccoson Swamp. At the confluence with Whiteoak Swamp	+53 +35	Unincorporated Areas of Bertie County, Town of Askewville.
Roanoke River	Approximately 600 feet upstream of North Askewville Railroad Street. Approximately 4.0 miles upstream of NC-45	+58 +7	
Roanoke River Tributary 1	Approximately 3.5 miles upstream of Burke/Northampton County boundary. At the confluence with Roanoke River	+37 +9	Unincorporated Areas of Bertie County.
Roanoke River Tributary 2	Approximately 0.4 mile upstream of Morning Road (State Route 1519). At the confluence with Roanoke River	+21 +13	
Roanoke River Tributary 3	Approximately 150 feet downstream of Cedar Landing Road (State Route 1521). At the confluence with Roanoke River	+22 +13	Unincorporated Areas of Bertie County.
Roquist Creek	Approximately 1.5 miles upstream of Gillam Road (State Route 1542). At the confluence with Cashie River	+16 +8	
Roquist Creek Tributary 1	Approximately 1,000 feet upstream of the confluence of Roquist Creek Tributary 5. At the confluence with Roquist Creek	+39 +27	Unincorporated Areas of Bertie County.
Roquist Creek Tributary 2	Approximately 0.7 mile upstream of the confluence with Roquist Creek. At the confluence with Roquist Creek	+33 +29	
Roquist Creek Tributary 3	Approximately 0.9 mile upstream of the confluence with Roquist Creek. At the confluence with Roquist Creek	+35 +29	Unincorporated Areas of Bertie County.
Roquist Tributary 4	Approximately 1.6 miles upstream of the confluence with Roquist Creek. At the confluence with Roquist Creek	+36 +37	
Roquist Tributary 5	Approximately 1.0 mile upstream of the confluence with Roquist Creek. At the confluence with Roquist Creek	+38 +39	Unincorporated Areas of Bertie County.
Roquist Tributary 5A	Approximately 0.9 mile upstream of Old King Farm Road (State Route 1116). At the confluence with Roquist Creek Tributary 5	+48 +41	
Sandy Run	Approximately 600 feet downstream of Governors Road (State Highway 308). At the confluence with Roanoke River	+47 +34	Unincorporated Areas of Bertie County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Sandy Run Tributary 2	Approximately 0.7 mile upstream of Governors Road (State Highway 308). At the confluence with Sandy Run	+60 +37	Unincorporated Areas of Bertie County.
Sandy Run Tributary 4	Approximately 0.5 mile upstream of the confluence with Sandy Run. At the confluence with Sandy Run	+58 +39	
Sandy Run Tributary 5	Approximately 0.5 mile upstream of the confluence with Sandy Run. At the confluence with Sandy Run	+56 +43	Unincorporated Areas of Bertie County.
Sandy Run Tributary 6	Approximately 0.7 mile upstream of the confluence with Sandy Run. At the confluence with Sandy Run	+56 +46	
Stony Creek	Approximately 1,850 feet upstream of Byrd Club Road Approximately 1,100 feet downstream of the Bertie/Hertford County boundary.	+58 +25	Unincorporated Areas of Bertie County.
Sutton Creek	The confluence of Loosing Swamp	+27	
Unnamed Tributary #1	At the confluence with Wading Place Creek	+8	Unincorporated Areas of Bertie County.
Wading Place Creek	Approximately 1.2 miles upstream of State Highway 308 .. Approximately 10 feet upstream of NC 17	+17 +21	
Wading Place Creek Tributary 1	Approximately 0.7 mile upstream of U.S. 17 Highway N ... At the confluence with Cashie River	+23 +8	Unincorporated Areas of Bertie County.
Wading Place Creek Tributary 1	Approximately 2.7 miles upstream of the confluence of Wading Place Creek Tributary 1. At the confluence with Wading Place Creek	+24 +10	
Wahtom Swamp	Approximately 1.8 miles upstream of the confluence with Wading Place Creek. At the confluence with Cashie River	+31 +48	Unincorporated Areas of Bertie County.
Whiteoak Swamp	Approximately 0.4 mile upstream of Harrells Siding Road (State Route 1208). At the confluence with Cashie River	+69 +24	
Whiteoak Swamp Tributary 1 ...	Approximately 500 feet upstream of Charles Taylor Road (State Route 1221). At the confluence with Whiteoak Swamp	+57 +26	Unincorporated Areas of Bertie County, Town of Askewville.
Wildcat Swamp	Approximately 2,000 feet upstream of Pocosin Road (State Route 1343). At the confluence with Loosing Swamp and Eason Swamp.	+33 +37	
Wildcat Swamp Tributary 1	Approximately 1,240 feet upstream of the confluence of Wildcat Swamp Tributary 2. At the confluence with Wildcat Swamp	+39 +37	Unincorporated Areas of Bertie County.
Wildcat Swamp Tributary 2	Approximately 1.0 mile upstream of the confluence with Wildcat Swamp. At the confluence with Wildcat Swamp	+44 +39	
	Approximately 0.8 mile upstream of the confluence with Wildcat Swamp.	+42	Unincorporated Areas of Bertie County.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES**Bertie County**

Maps are available for inspection at Bertie County Building Inspections Department, 106 Dundee Street, Windsor, North Carolina.

Town of Askewville

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
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Maps available for inspection at the Bertie County Building Inspection Department, 106 Dundee Street, Windsor, North Carolina.

Town of Aulander

Maps are available for inspection at Town of Aulander Municipal Building, 124 West Main Street, Aulander, North Carolina.

Town of Colerain

Maps are available for inspection at Colerain Town Hall, 101 B. Winton Road, Colerain, North Carolina.

Town of Kelford

Maps available for inspection at the Bertie County Building Inspection Department, 106 Dundee Street, Windsor, North Carolina.

Town of Lewiston Woodville

Maps available for inspection at the Lewiston Woodville Town Hall, 103 West Church Street, Lewiston Woodville, North Carolina.

Town of Roxobel

Maps available for inspection at the Roxobel Town Hall, 204 South Main Street, Roxobel, North Carolina.

Town of Windsor

Maps available for inspection at the Windsor Town Hall, 128 South King Street, Windsor, North Carolina.

**Marion County, Tennessee, and Incorporated Areas
FEMA Docket No.: B-7756**

Pryor Cove Branch	Confluence with Standifer Branch	+640	Town of Jasper.
	Confluence with West Fork Pryor Cove Branch	+714	
Sequatchie River	At confluence with Tennessee River	+616	Town of Jasper.
	Approximately 575 feet upstream of U.S. Highway 41	+620	
Standifer Branch	At confluence of Town Creek	+619	Town of Jasper.
	At confluence of Pryor Cove Branch	+639	
West Fork Pryor Cove Branch	At confluence with Pryor Cove Branch	+714	Town of Jasper.
	Approximately 250 feet upstream of Pryor Cove Road	+786	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

Town of Jasper

Maps are available for inspection at 4460 Main Street, Jasper, TN 37347.

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

Dated: August 11, 2008.

David I. Maurstad,

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

[FR Doc. E8-19019 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

45 CFR Part 4

Service of Process

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: This rule amends our regulations, which provide for service of process on the Department of Health and Human Services, the Secretary of Health and Human Services, or other

employees of the Department in their official capacities.

The purpose of this amendment is to expand the number of people who can be served process on behalf of the Department.

DATES: *Effective Date:* August 18, 2008.

FOR FURTHER INFORMATION CONTACT:

Jeffrey S. Davis, Associate General Counsel, General Law Division, Office of the General Counsel, (202) 619-0150.

SUPPLEMENTARY INFORMATION:

Background

In 1983, the Department of Health and Human Services published regulations which addressed the method by which the Secretary of Health and Human Services, the Department, and its employees in their official capacities may be served with legal process. The current regulations provide that the service of a summons and complaint on the Department or on any Department official in his official capacity shall be accomplished by regular mail. Service of subpoenas and other process, if not

authorized by law to be served by mail, should be hand-delivered to the staff of the correspondence control unit of the Office of the General Counsel. The regulations currently provide that, in the absence of that staff, process should be delivered to any Deputy General Counsel or secretary to any Deputy General Counsel of the Department.

This amendment is designed to make full use of limited personnel resources available to the Immediate Office of the General Counsel when the staff of the General Counsel's Office of Legal Resources (formerly the correspondence control unit) is not available to accept service of process. By expanding those who may accept service of process to either the staff of the Office of Legal Resources within the Office of the General Counsel or to any staff member of or individual assigned to the Immediate Office of the General Counsel in the absence of the Office of Legal Resources staff, resources within the Office of the General Counsel will be channeled more appropriately.

We are also adding a new section to the regulations to address the service of Congressional subpoenas on the Department or the Secretary. Under the amended regulations, the staff in the Office of the Assistant Secretary for Legislation is authorized to accept Congressional subpoenas on behalf of the Department. As the official liaison between the Department and Congress, the Office of the Assistant Secretary for Legislation is best suited to accept service of Congressional subpoenas, coordinate the Department's response to Congressional investigations and prepare witnesses and testimony for Congressional hearings.

Public Participation

This rule is published as a final rule. It is exempt from public comment, pursuant to 5 U.S.C. 553(b)(A) as a rule of "agency organization, procedure, or practice."

Paperwork Reduction Act

This regulation is not subject to the Paperwork Reduction Act because it deals solely with internal rules governing Department of Health and Human Services personnel.

Cost/Regulatory Analysis

In accordance with Executive Order 12866, the Secretary has determined that this rule will not constitute a "significant regulatory action" as defined in Executive Order 12866 in that it will not have an annual effect on the economy of \$100 million or more a year or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities. This rule is therefore not subject to the regulatory impact and analysis requirements of the Order.

This rule will not have a significant economic impact on a substantial number of small entities; therefore, preparation of a regulatory flexibility analysis is not required.

List of Subjects in 45 CFR Part 4

Administrative practice and procedure, Government employees.

■ Accordingly, for the reasons set forth in the preamble, 45 CFR part 4 is amended as follows:

PART 4—[AMENDED]

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

Authority: 5 U.S.C. 301, 42 U.S.C. 300aa-11.

■ 2. Revise § 4.2(b) to read as follows:

§ 4.2 Other process directed to the Department or Secretary.

* * * * *

(b) If served by an individual, the process should be delivered to the staff in the Office of Legal Resources, Office of the General Counsel, Room 700E, 200 Independence Avenue, SW., Washington, DC 20201, or in the absence of that staff, to any staff member of or individual assigned to the Immediate Office of the General Counsel, up to and including any Deputy General Counsel.

■ 3. Add § 4.7 to read as follows:

§ 4.7 Congressional subpoenas directed to the Department or Secretary.

Notwithstanding the provisions of §§ 4.1, 4.2, and 4.3, service of Congressional subpoenas shall be delivered to the staff in the Office of the Assistant Secretary for Legislation, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201.

Dated: August 11, 2008.

Michael O. Leavitt,
Secretary.

[FR Doc. E8-18917 Filed 8-15-08; 8:45 am]

BILLING CODE 4150-26-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 544

[Docket No.: NHTSA-2008-0055]

RIN 2127-AK30

Insurer Reporting Requirements; List of Insurers Required To File Reports

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

ACTION: Final rule.

SUMMARY: This final rule amends 49 CFR part 544, Insurer Reporting Requirements. This Part specifies the requirements for annual insurer reports and lists in appendices those passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences. An insurer included in any of these appendices must file three copies of its report for the 2005 calendar year before October 25, 2008. If the passenger motor vehicle insurers remain listed, they must submit reports by each subsequent October 25.

DATES: This final rule becomes effective on September 17, 2008. If you wish to submit a petition for reconsideration of

this rule, your petition must be received by October 2, 2008.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building, Room W41-307, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Rosalind Proctor, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., West Building, Room W43-302, Washington, DC 20590, by electronic mail to rosalind.proctor@dot.gov. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-0073.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to 49 U.S.C. 33112, *Insurer reports and information*, NHTSA requires certain passenger motor vehicle insurers to file an annual report with the agency. Each insurer's report includes information about thefts and recoveries of motor vehicles, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the actions taken by the insurer to reduce or deter theft. Pursuant to 49 U.S.C. Section 33112(f), the following insurers are subject to the reporting requirements:

(1) Issuers of motor vehicle insurance policies whose total premiums account for 1 percent or more of the total premiums of motor vehicle insurance issued within the United States;

(2) Issuers of motor vehicle insurance policies whose premiums account for 10 percent or more of total premiums written within any one state; and

(3) Rental and leasing companies with a fleet of 20 or more vehicles not covered by theft insurance policies issued by insurers of motor vehicles, other than any governmental entity.

Pursuant to its statutory exemption authority, the agency exempted certain passenger motor vehicle insurers from the reporting requirements.

A. Small Insurers of Passenger Motor Vehicles

Section 33112(f)(2) provides that the agency shall exempt small insurers of passenger motor vehicles if NHTSA finds that such exemptions will not significantly affect the validity or usefulness of the information in the reports, either nationally or on a state-by-state basis. The term "small insurer" is defined, in Section 33112(f)(1)(A) and (B), as an insurer whose premiums for

motor vehicle insurance issued directly or through an affiliate, including pooling arrangements established under state law or regulation for the issuance of motor vehicle insurance, account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States. However, that section also stipulates that if an insurance company satisfies this definition of a "small insurer," but accounts for 10 percent or more of the total premiums for all motor vehicle insurance issued in a particular state, the insurer must report about its operations in that state.

In the final rule establishing the insurer reports requirement (49 CFR part 544; 52 FR 59, January 2, 1987), NHTSA exercised its exemption authority by listing in Appendix A each insurer that must report because it had at least 1 percent of the motor vehicle insurance premiums nationally. Listing the insurers subject to reporting, instead of each insurer exempted from reporting because it had less than 1 percent of the premiums nationally, is administratively simpler, since the former group is much smaller than the latter. In Appendix B, NHTSA lists those insurers required to report for particular states because each insurer had a 10 percent or greater market share of motor vehicle premiums in those states. In the January 1987 final rule, the agency stated that it would update Appendices A and B annually. NHTSA updates the appendices based on data voluntarily provided by insurance companies to A.M. Best, which A.M. Best¹ publishes in its *State/Line Report* each spring. The agency uses the data to determine the insurers' market shares nationally and in each state.

B. Self-Insured Rental and Leasing Companies

In addition, upon making certain determinations, NHTSA grants exemptions to self-insurers, *i.e.*, any person who has a fleet of 20 or more motor vehicles (other than any governmental entity) used for rental or lease whose vehicles are not covered by theft insurance policies issued by insurers of passenger motor vehicles, 49 U.S.C. 33112(b)(1) and (f). Under 49 U.S.C. 33112(e)(1) and (2), NHTSA may exempt a self-insurer from reporting, if the agency determines:

(1) The cost of preparing and furnishing such reports is excessive in

relation to the size of the business of the insurer;

(2) The insurer's report will not significantly contribute to carrying out the purposes of Chapter 331.

In a final rule published June 22, 1990 (55 FR 25606), the agency granted a class exemption to all companies that rent or lease fewer than 50,000 vehicles, because it believed that the largest companies' reports sufficiently represent the theft experience of rental and leasing companies. NHTSA concluded that smaller rental and leasing companies' reports do not significantly contribute to carrying out NHTSA's statutory obligations and that exempting such companies will relieve an unnecessary burden on them. As a result of the June 1990 final rule, the agency added Appendix C, consisting of an annually updated list of the self-insurers subject to part 544. Following the same approach as in Appendix A, NHTSA included, in Appendix C, each of the self-insurers subject to reporting instead of the self-insurers which are exempted. NHTSA updates Appendix C based primarily on information from *Automotive Fleet Magazine* and *Auto Rental News*.²

C. When a Listed Insurer Must File a Report

Under part 544, as long as an insurer is listed, it must file reports on or before October 25 of each year. Thus, any insurer listed in the appendices must file a report before October 25, 2008, and by each succeeding October 25, absent an amendment removing the insurer's name from the appendices.

II. Notice of Proposed Rulemaking

1. Insurers of Passenger Motor Vehicles

On May 6, 2008, NHTSA published a notice of proposed rulemaking (NPRM) to update the list of insurers in Appendices A, B, and, C required to file reports (73 FR 24906).

Appendix A lists insurers that must report because each had 1 percent of the motor vehicle insurance premiums on a national basis. The list was last amended in a final rule published on August 30, 2007 (72 FR 50077). Based on the 2005 calendar year market share data from A.M. Best, NHTSA proposed to remove CNA Insurance Companies and add Auto Club Southern California Group and California State Auto Group to Appendix A.

Appendix B lists insurers required to report because each insurer had a 10

percent or greater market share of motor vehicle premiums in a particular State. Based on the 2005 calendar year data for market shares from A.M. Best, we proposed to make no changes to Appendix B.

2. Rental and Leasing Companies

Appendix C lists rental and leasing companies required to file reports. Since Enterprise Fleet Services (EFS) did not meet the criteria the agency uses to determine that an insurer should be included in Appendix C, NHTSA proposed to remove Enterprise Fleet Services.

Public Comments on Final Determination

Insurers of Passenger Motor Vehicles

The agency received no comments in response to the NPRM. Therefore, this final rule adopts the proposed changes to Appendix A and C. Accordingly, NHTSA has determined that each of the 19 insurers listed in Appendix A, each of the nine insurers listed in Appendix B and each of seven companies listed in Appendix C are required to submit an insurer report on its experience for calendar year 2005 no later than October 25, 2008, and set forth the information required by part 544. As long as these insurers and companies remain listed, they would be required to submit reports before each subsequent October 25 for the calendar year ending slightly less than 3 years before.

Submission of Theft Loss Report

Passenger motor vehicle insurers listed in the appendices can forward their theft loss reports to the agency in several ways:

a. *Mail*: Rosalind Proctor, Office of International Policy, Fuel Economy and Consumer Programs, Department of Transportation, NHTSA, West Building, 1200 New Jersey Avenue, SE., NVS-131, Room W43-302, Washington, DC 20590;

b. *E-mail*: rosalind.proctor@dot.gov;

or

c. *Fax*: (202) 493-0073.

Theft loss reports may also be submitted to the docket electronically [identified by Docket No. NHTSA-2008-0055] by:

d. *Logging onto the Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the online instructions for filing the document electronically.

Regulatory Impacts

1. Costs and Other Impacts

This notice has not been reviewed under Executive Order 12866, Regulatory Planning and Review.

¹ A.M. Best Company is a well-recognized source of insurance company ratings and information. 49 U.S.C. 33112(i) authorizes NHTSA to consult with public and private organizations as necessary.

² *Automotive Fleet Magazine* and *Auto Rental News* are publications that provide information on the size of fleets and market share of rental and leasing companies.

NHTSA has considered the impact of this final rule and determined that the action is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. This final rule implements the agency's policy of ensuring that all insurance companies that are statutorily eligible for exemption from the insurer reporting requirements are in fact exempted from those requirements. Only those companies that are not statutorily eligible for an exemption are required to file reports.

NHTSA does not believe that this rule, reflecting current data, affects the impacts described in the final regulatory evaluation prepared for the final rule establishing part 544 (52 FR 59; January 2, 1987). Accordingly, a separate regulatory evaluation has not been prepared for this rulemaking action. Using the Bureau of Labor Statistics Consumer Price Index for 2006 (*see* <http://www.bls.gov/cpi>), the cost estimates in the 1987 final regulatory evaluation were adjusted for inflation. The agency estimates that the cost of compliance is \$103,671 for any insurer added to Appendix A, \$41,468 for any insurer added to Appendix B, and \$11,964 for any insurer added to Appendix C. This final rule will remove one company and add two companies to Appendix A, and remove one company from Appendix C. Therefore, the net effect of this final rule is an increased cost of \$91,707 to insurers as a group.

Interested persons may wish to examine the 1987 final regulatory evaluation. Copies of that evaluation were placed in Docket No. T86-01; Notice 2. Any interested person may obtain a copy of this evaluation by writing to NHTSA, Technical Reference Division, 1200 New Jersey Avenue, SE., East Building (Ground Floor), Room E12-100, Washington, DC 20590, or by calling (202) 366-2588.

2. Paperwork Reduction Act

The information collection requirements in this final rule were submitted and approved by the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The existing information collection indicates that the number of respondents for this collection is thirty-five, however, the actual number of respondents fluctuate from year to year. Therefore, because the number of respondents required to report for this final rule does not exceed the number of respondents indicated in the existing information collection, the agency does not believe that an amendment to the existing information collection is

necessary. This collection of information is assigned OMB Control Number 2127-0547 ("Insurer Reporting Requirements") and is approved for use through August 31, 2009, and the agency will seek to extend the approval afterwards.

3. Regulatory Flexibility Act

The agency also considered the effects of this rulemaking under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). I certify that this final rule will not have a significant economic impact on a substantial number of small entities. The rationale for the certification is that none of the companies listed on Appendices A or C are construed to be a small entity within the definition of the RFA. "Small insurer" is defined, in part under 49 U.S.C. 33112, as any insurer whose premiums for all forms of motor vehicle insurance account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States, or any insurer whose premiums within any State, account for less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the State. This notice exempts all insurers meeting those criteria. Any insurer too large to meet those criteria is not a small entity. In addition, in this rulemaking, the agency exempts all "self insured rental and leasing companies" that have fleets of fewer than 50,000 vehicles. Any self-insured rental and leasing company too large to meet that criterion is not a small entity.

4. Federalism

This action has been analyzed according to the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

5. Environmental Impacts

In accordance with the National Environmental Policy Act, NHTSA has considered the environmental impacts of this final rule and determined that it would not have a significant impact on the quality of the human environment.

6. Civil Justice Reform

This final rule does not have any retroactive effect, and it does not preempt any State law, 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909, and section 32909 does not require submission of a petition for reconsideration or other administrative

proceedings before parties may file suit in court.

7. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

8. Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the proposal clearly stated?
- Does the proposal contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the proposal easier to understand?

If you have any responses to these questions, you can forward them to me several ways:

a. *Mail:* Rosalind Proctor, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, 1200 New Jersey Avenue, SE., NVS-131, Room W43-302, Washington, DC 20590.

b. *E-mail:* rosalind.proctor@dot.gov; or *Fax:* (202) 493-0073.

List of Subjects in 49 CFR Part 544

Crime insurance, Insurance, Insurance companies, Motor vehicles, Reporting and recordkeeping requirements.

■ In consideration of the foregoing, 49 CFR part 544 is amended as follows:

PART 544—[AMENDED]

■ 1. The authority citation for part 544 continues to read as follows:

Authority: 49 U.S.C. 33112; delegation of authority at 49 CFR 1.50.

■ 2. In § 544.5, paragraph (a), the second sentence is revised to read as follows:

§ 544.5 General requirements for reports.

(a) * * * This report shall contain the information required by § 544.6 of this

part for the calendar year 3 years previous to the year in which the report is filed (*e.g.*, the report due by October 25, 2008 will contain the required information for the 2005 calendar year).
* * *

■ 3. Appendix A to part 544 is revised to read as follows:

Appendix A—Insurers of Motor Vehicle Insurance Policies Subject to the Reporting Requirements in Each State in Which They Do Business

Allstate Insurance Group
American Family Insurance Group
American International Group
Auto Club Southern California Group ¹

Auto-Owners Insurance Group
Erie Insurance Group
Berkshire Hathaway/GEICO Corporation Group
California State Auto Group ¹
Hartford Insurance Group
Liberty Mutual Insurance Companies
Metropolitan Life Auto & Home Group
Mercury General Group
Nationwide Group
Progressive Group
Safeco Insurance Companies
State Farm Group
St. Paul Travelers Companies
USAA Group
Farmers Insurance Group

■ 5. Appendix C to part 544 is revised to read as follows:

Appendix C—Motor Vehicle Rental and Leasing Companies (Including Licensees and Franchisees) Subject to the Reporting Requirements of Part 544

Cendant Car Rental
Dollar Thrifty Automotive Group
EmKay, Inc.
Enterprise Rent-A-Car
Hertz Rent-A-Car Division (subsidiary of The Hertz Corporation)
U-Haul International, Inc. (Subsidiary of AMERCO)
Vanguard Car Rental USA

Issued on: August 11, 2008.

Nathaniel M. Beuse,

*Office of Crash Avoidance Standards,
Director.*

[FR Doc. E8–18882 Filed 8–15–08; 8:45 am]

BILLING CODE 4910–59–P

¹ Indicates a newly listed company which must file a report beginning with the report due October 25, 2008.

Proposed Rules

Federal Register

Vol. 73, No. 160

Monday, August 18, 2008

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS-2007-0055]

Privacy Act of 1974: Implementation of Exemptions; Fraud Detection and National Security Data System (FDNS-DS) System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security is concurrently establishing a new system of records pursuant to the Privacy Act of 1974 entitled the Technical Fraud Detection and National Security Data System (FDNS-DS). The USCIS has developed the Fraud Detection and National Security Data System (FDNS-DS), a case management system used to record, track, and manage immigration inquiries, investigative referrals, law enforcement requests, and case determinations involving benefit fraud, criminal activity, public safety and national security concerns. In this proposed rulemaking, the Department proposes to exempt portions of this system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

DATES: Comments must be received on or before September 17, 2008.

ADDRESSES: You may submit comments, identified by docket number DHS-2007-0055, by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 1-866-466-5370.
- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.
- *Instructions:* All submissions received must include the agency name

and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received go to <http://www.regulations.gov>.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: United States Citizenship and Immigration Services, Privacy Officer, Donald Hawkins 111 Massachusetts Avenue, NW., Washington, DC 20529. For privacy issues please contact: Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Fraud Detection and National Security (FDNS) of the United States Citizenship and Immigration Services (USCIS) has developed a new system named the Fraud Detection and National Security Data System (FDNS-DS). FDNS-DS is a central repository that permits specially-trained employees to record, track, and manage the background check and adjudicative processes related to immigration applications and petitions with suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns, and cases randomly selected for benefit fraud assessments (BFAs). The system will also have the capability to track the following:

1. USCIS investigative referrals to law enforcement agencies (LEAs);
2. LEA referrals to USCIS concerning subjects with pending immigration benefit applications or petitions;
3. background check referrals and resolutions associated with suspected or confirmed fraud, criminal activity,

egregious public safety, and/or national security concerns; and

4. any additional inquiries conducted in order to confirm that the information on file is correct.

FDNS has created FDNS-DS, a centralized data system, in order to increase the effectiveness of the United States (U.S.) immigration system in identifying threats to national security, combating benefit fraud, and locating and removing vulnerabilities that compromise the integrity of the legal immigration system. With the implementation of FDNS-DS, USCIS's capabilities for detecting and tracking benefit fraud and other criminal activity—and conducting efficient and accurate background check resolutions and adjudication of national security cases will be increased.

In order to achieve the goals discussed above, FDNS-DS will store data related to immigration applications involving suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns. The data will include the results of required background checks conducted in connection with pending petitions/applications that result in subsequent inquiries conducted to resolve the background check results. FDNS-DS will also contain the following information related to cases involving suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns: USCIS investigative referrals to law enforcement agencies (LEAs) of suspected or confirmed fraud or other criminal activity; LEA referrals to USCIS related to pending applications; referrals to USCIS from the public or other governmental entities or fraud case referrals from the Benefit Fraud Assessment (BFA) process ("other referrals"); adverse information identified by USCIS from applications, administrative files, interviews, written requests for evidence (RFEs) or site visits; results of resolution of any of the above-described categories of adverse information; and adjudicative summaries and decisions.

FDNS-DS will store information concerning cases randomly selected for BFAs and will track interactions with Immigration and Citizenship Enforcement (ICE) and other LEAs (e.g., the Federal Bureau of Investigation [FBI], the Drug Enforcement

Administration [DEA], and U.S. Customs and Border Protection [CBP]) in cases involving fraud or other criminal activity, and the Department of State in cases involving fraud related to selected types of visas for entry into the United States.

The Privacy Act allows government agencies to exempt certain records from the access and amendment provisions. If an agency claims an exemption, however, it must issue a Notice of Proposed Rulemaking to make clear to the public the reasons why a particular exemption is claimed.

In this Notice of Proposed Rulemaking, DHS now is proposing to exempt FDNS-DS, in part, from certain provisions of the Privacy Act. Some information in FDNS-DS relates to official DHS law enforcement, intelligence, and immigration activities. These exemptions are needed to protect information relating to DHS activities from disclosure to subjects or others related to these activities. Specifically, the exemptions are required to preclude subjects of these activities from frustrating these processes; to avoid disclosure of activity techniques; to protect the identities and physical safety of confidential informants and of immigration and border management and law enforcement personnel; to ensure DHS's ability to obtain information from third parties and other sources; and to protect the privacy of third parties. Disclosure of information to the subject of the inquiry could also permit the subject to avoid detection or apprehension.

The exemptions proposed here are standard law enforcement and national security exemptions exercised by a large number of Federal law enforcement and intelligence agencies. In appropriate circumstances, where compliance would not appear to interfere with or adversely affect the law enforcement purposes of this system and the overall law enforcement process, the applicable exemptions may be waived.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

For the reasons stated in the preamble, DHS proposes to amend Chapter I of Title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

1. The authority citation for part 5 continues to read as follows:

Authority: Pub. L. 107–296, 116 Stat. 2135, 6 U.S.C. 101 *et seq.*; 5 U.S.C. 301. Subpart A also issued under 5 U.S.C. 552. Subpart B also issued under 5 U.S.C. 552a.

2. At the end of appendix C to part 5, add the following new paragraph “7”:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

7. The Department of Homeland Security United States Citizenship and Immigration Services Fraud Detection and National Security Data System (FDNS-DS) System of Records consists of a stand-alone database and paper files that will be used by DHS and its components. FDNS-DS is a case management system used to record, track, and manage immigration inquiries, investigative referrals, law enforcement requests, and case determinations involving benefit fraud, criminal activity, public safety and national security concerns.

The Secretary of Homeland Security has exempted this system from 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) pursuant to 5 U.S.C. 552a(k)(2). These exemptions apply only to the extent that records in the system are subject to exemption pursuant to 5 U.S.C. 552a(k)(2). Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of the investigation; and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(b) From subsection (d) (Access to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, to the existence of the investigation, and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an impossible administrative burden by requiring investigations to be continuously reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(c) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of Federal law, the accuracy of information obtained or introduced occasionally may be unclear or the

information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(d) From subsections (e)(4)(G) and (e)(4)(H) (Agency Requirements) because portions of this system are exempt from the individual access provisions of subsection (d) which exempts providing access because it could alert a subject to the nature or existence of an investigation, and thus there could be no procedures for that particular data. Procedures do exist for access for those portions of the system that are not exempted.

(e) From subsection (e)(4)(I) (Agency Requirements) because providing such source information would impede law enforcement or intelligence by compromising the nature or existence of a confidential investigation.

(f) From subsection (f) (Agency Rules) because portions of this system are exempt from the access and amendment provisions of subsection (d).

Dated: August 11, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8–19034 Filed 8–15–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 922

[Docket No. AMS–FV–08–0052; FV08–922–1 PR]

Apricots Grown in Designated Counties in Washington; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the Washington Apricot Marketing Committee (Committee) for the 2008–09 and subsequent fiscal periods from \$1.50 to \$2.00 per ton for Washington apricots. The Committee is responsible for local administration of the marketing order regulating the handling of apricots grown in designated counties in Washington. Assessments upon handlers of apricots are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period for the marketing order begins April 1 and ends March 31. The assessment rate would remain in effect indefinitely unless modified, suspended or terminated.

DATES: Comments must be received by September 2, 2008.

ADDRESSES: Interested persons are invited to submit written comments regarding this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938; or Internet: <http://www.regulations.gov>. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Robert J. Curry or Gary D. Olson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, OR 97204; Telephone: (503) 326-2724; Fax: (503) 326-7440; or E-mail: Robert.Curry@usda.gov or GaryD.Olson@usda.gov.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491; Fax: (202) 720-8938; or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 922 (7 CFR part 922), as amended, regulating the handling of apricots grown in designated counties in Washington, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, apricot handlers in designated counties in Washington are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable Washington apricots beginning April 1, 2008, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they

present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Committee for the 2008-09 and subsequent fiscal periods from \$1.50 to \$2.00 per ton for Washington apricots handled under the order.

The order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of apricots in designated counties in Washington. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2007-08 and subsequent fiscal periods, the Committee recommended, and the USDA approved, an assessment rate of \$1.50 per ton of apricots handled. This rate continues in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on May 15, 2008, and unanimously recommended 2008-09 expenditures of \$7,093. In comparison, last year's budgeted expenditures were \$6,743. In addition, the Committee recommended that the \$1.50 per ton assessment rate be increased by \$0.50 to \$2.00 per ton of apricots handled. The Washington apricot production area experienced

freezing weather in April this year that may have a significant impact on apricot production. As a result, the Committee has estimated a total fresh crop of only 3,650 tons for this season—significantly less than the 6,620 tons of fresh prunes reported to the Committee by industry handlers last season. Due to this anticipated shortfall, the Committee recommended that the assessment rate be increased by \$0.50 to help ensure that budgeted expenses are adequately covered.

The major expenditures recommended by the Committee for the 2008-09 fiscal period include \$4,800 for the management fee, \$1,000 for Committee travel, \$100 for compliance, and \$1,193 for equipment maintenance, insurance, bonds, and miscellaneous expenses. In comparison, major expenditures for the 2007-08 fiscal period included \$4,800 for the management fee, \$1,000 for travel, \$500 for the annual financial audit, \$100 for compliance, and \$343 for equipment maintenance, insurance, bonds, and miscellaneous expenses.

The assessment rate recommended by the Committee was derived by dividing the anticipated expenses of \$7,093 by the projected 2008 3,650 ton apricot production. Applying the \$2.00 per ton assessment rate to this crop estimate should provide \$7,300 in assessment income. Although the 3,650 ton crop estimate reflects the Committee's best current assessment of the damage the late-season freezing temperatures may have on production this season, Committee members expressed some concern that production could potentially end up even shorter. Because of the crop estimate uncertainty, the Committee felt the \$2.00 per ton assessment rate is warranted even though the projected fiscal year-end reserve balance at this time is \$8,173. Although this is slightly higher than the recommended budget, the reserve would still be within the order's limit of approximately one fiscal period's operational expenses.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be effective for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of the Committee's meetings are available from the

Committee or USDA. The Committee's meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate the Committee's recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2008–09 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 300 apricot producers within the regulated production area and approximately 22 regulated handlers. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than \$750,000, and small agricultural service firms are defined as those whose annual receipts are less than \$6,500,000.

The Washington Agricultural Statistics Service has prepared a report showing that the total 7,000 ton apricot utilization sold for an average of \$1,120 per ton in 2007 with a total farm-gate value of approximately \$7,827,000. Based on the number of producers in the production area (300), the average annual producer revenue from the sale of apricots in 2007 can thus be estimated at approximately \$26,090. In addition, based on information from the Committee and USDA's Market News Service, 2007 f.o.b. prices ranged from \$18.00 to \$20.00 per 24-pound loose-pack container, and from \$20.00 to \$22.00 for 2-layer tray pack containers. Approximately 40 percent of the 2007 6,620 ton fresh pack-out was packed in 24-pound loose-pack containers while the remainder was packed in 2-layer tray-pack containers (weighing an average of about 20 pounds each). On the high end, this would have grossed

the 22 apricot handlers approximately \$13,151,700 in f.o.b. receipts for the 2007 crop—leaving average receipts for each handler well below the SBA's \$6,500,000 threshold for small businesses. Therefore, the majority of producers and handlers of Washington apricots may be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 2008–09 and subsequent fiscal periods from \$1.50 to \$2.00 per ton for apricots handled under the order's authority. The Committee also unanimously recommended 2008–09 expenditures of \$7,093. With a 2008–09 Washington apricot crop estimate of 3,650 tons, the Committee anticipates assessment income of about \$7,300. Due to the sharply smaller crop expected this season, the Committee recommended the assessment rate increase to help ensure that budgeted expenses are adequately covered.

Although there continues to be uncertainty this season regarding production totals due to the mid-spring freezing weather, income derived from handler assessments should adequately cover budgeted expenses. Because of the crop estimate uncertainty, the Committee felt the \$2.00 per ton assessment rate is warranted even though the projected fiscal year-end reserve balance at this time is \$8,173. Although this is slightly higher than the recommended budget, the reserve would still be within the order's limit of approximately one fiscal period's operational expenses.

The major expenditures recommended by the Committee for the 2008–09 fiscal period include \$4,800 for the management fee, \$1,000 for Committee travel, \$100 for compliance, and \$1,193 for equipment maintenance, insurance, bonds, and miscellaneous expenses. In comparison, major expenditures for the 2007–08 fiscal period included \$4,800 for the management fee, \$1,000 for travel, \$500 for the annual financial audit, \$100 for compliance, and \$343 for equipment maintenance, insurance, bonds, and miscellaneous expenses.

The Committee discussed alternatives to this recommended assessment increase. Leaving the assessment rate at the current \$1.50 per ton was discussed, but not seriously considered since such a rate would not have earned adequate income and would have thus significantly depleted the Committee's reserves. Although a rate of assessment somewhat less than the recommended \$2.00 per ton rate would have potentially covered the recommended

expenses, the Committee chose the higher rate due to the uncertainty the members felt regarding the 3,650 ton crop estimate. The mid-April freeze experienced in the growing regions this year left doubt in some members' minds that the final pack-out this season will even reach the 3,650 ton estimate.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the producer price for the 2008–09 season could average about \$1,000 per ton for fresh Washington apricots. Therefore, the estimated assessment revenue for the 2008–09 fiscal period as a percentage of total producer revenue is 0.2 percent for Washington apricots.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order.

In addition, the Committee's meeting was widely publicized throughout the Washington apricot industry and all interested persons were invited to attend and participate in Committee deliberations on all issues. Like all Committee meetings, the May 15, 2008, meeting was a public meeting and all entities, both large and small, were able to express views on the issues. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large Washington apricot handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Additionally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS 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.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and order may be viewed at: <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide>.

Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2008–09 fiscal period began on April 1, 2008, and the order requires that the assessment rate for each fiscal period apply to all assessable apricots handled during such fiscal period; (2) the Washington apricot harvest and shipping season is expected to begin as early as the last week of June; (3) the Committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis; and (4) handlers are aware of this action, which was recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 922

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 922 is proposed to be amended as follows:

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR part 922 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 922.235 is revised to read as follows:

§ 922.235 Assessment rate.

On or after April 1, 2008, an assessment rate of \$2.00 per ton is established for the Washington Apricot Marketing Committee.

Dated: August 12, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–19018 Filed 8–15–08; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 724, 773, 785, 816, 817, 845, 846, 870, 872, 873, 874, 875, 876, 879, 880, 882, 884, 885, 886, and 887

[Docket Id: OSM–2008–0003]

RIN 1029–AC56

Abandoned Mine Land Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; extension of the comment period.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are extending the comment period on a proposed rule that would revise the Abandoned Mine Land (AML) program. The proposed rule would revise our regulations to be consistent with the Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended by the Tax Relief and Health Care Act of 2006, Public Law 109–432, signed into law on December 20, 2006.

DATES: Comments on the proposed rule must be received on or before August 29, 2008, in order to ensure our consideration.

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

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. The rule is listed under the agency name “OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.” The proposed rule has been assigned Docket ID: OSM–2008–0003.

If you would like to submit comments through the Federal e-Rulemaking Portal, go to www.regulations.gov and do the following. Click on the “Advanced Docket Search” button on the right side of the screen. Type in the Docket ID OSM–2008–0003 and click the “Submit” button at the bottom of the page. The next screen will display the Docket Search Results for the rulemaking. If you click on OSM–2008–0003, you can view the proposed rule and submit a comment. You can also view supporting material and any comments submitted by others.

- *Mail/Hand-Delivery/Courier to:* Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252–SIB, 1951 Constitution Avenue, NW., Washington, DC 20240. Please include the rule Docket ID (OSM–2008–0003) with your comment.

We cannot ensure that comments received after the close of the comment period (see **DATES**) will be included in the docket for the rulemaking and considered. Comments sent to an address other than those listed above (see **ADDRESSES**) will not be included in the docket for the rulemaking.

For detailed instructions on submitting comments and additional information on the rulemaking process, see “Public Comment Procedures” in the **SUPPLEMENTARY INFORMATION** section of this document.

If you wish to comment on the information collection aspects of this proposed rule, you may submit your comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Interior Desk Officer, via e-mail to OIRA_DOCKET@omb.eop.gov, or via facsimile to 202–365–6566.

FOR FURTHER INFORMATION CONTACT: Danny Lytton, Chief, Reclamation Support Division, 1951 Constitution Ave., NW., Washington, DC 20240; Telephone: 202–208–2788.

SUPPLEMENTARY INFORMATION:

Background on the Reclamation Fee and the Abandoned Mine Land Program

On June 20, 2008, we published a proposed rule in the **Federal Register** (73 FR 35214) that would revise our regulations governing the AML program. We have received two requests to extend the comment period on the proposed rule. In response, we are extending the comment period to August 29, 2008.

As discussed in greater detail in the June 20, 2008, **Federal Register** notice, the proposed rule would revise our regulations to be consistent with the Tax Relief and Health Care Act of 2006, Public Law 109–432, enacted on December 20, 2006, which included the Surface Mining Control and Reclamation Act Amendments of 2006 (the “2006 amendments”). The proposed rule reflects the extension of our statutory authority to collect reclamation fees for an additional fourteen years and to reduce the fee rates. The proposal also updates the regulations in light of the statutory amendments that change the activities State and Tribal reclamation programs may perform under the AML program, funding for reclamation grants to States and Indian tribes, and transfers to the United Mine Workers of America (UMWA) Combined Benefit Fund, the UMWA 1992 Benefit Plan, and the UMWA Multiemployer Health Benefit Plan. Finally, our proposed rule extends

incentives reauthorized by the 2006 amendments pertaining to the remining of certain lands and water adversely affected by past mining.

Public Comment Procedures

Written Comments: If you submit written comments, they should be specific, confined to issues pertinent to the proposed rule, and explain the reason for any recommended changes. We appreciate all comments, but those most useful and likely to influence decisions on any revisions will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, the 2006 amendments, case law, or other pertinent State or Federal laws or regulations.

We cannot ensure that comments received after the close of the comment period (see **DATES**) will be included in the docket for the rulemaking and considered. Comments sent to an address other than those listed above (see **ADDRESSES**) will not be included in the docket for the rulemaking.

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.

Dated: August 8, 2008.

C. Stephen Allred,

Assistant Secretary, Land and Minerals Management.

[FR Doc. E8-19088 Filed 8-15-08; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2008-0738]

RIN 1625-AA08

Special Local Regulations for Marine Events; Wrightsville Channel, Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish Temporary special local

regulations for the swim portions of “Beach 2 Battleship Full and Half Iron Distance Triathlon”, to be held on the waters of Banks Channel, adjacent to Wrightsville Beach, North Carolina. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in Wrightsville Channel during the swimming portion of this event.

DATES: Comments and related material must reach the Coast Guard on or before September 17, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG-2008-0738 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

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

(2) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* 202-493-2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Christopher D. Humphrey, Coast Guard Sector North Carolina, Atlantic Beach, NC, (252) 247-4571. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2008-0738), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you

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

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> at any time. Enter the docket number for this rulemaking (USCG-2008-0738) in the Search box, and click “Go >>.” You may also visit either the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or U.S. Coast Guard Sector North Carolina, 2301 East Fort Macon Rd., Atlantic Beach, North Carolina 28512 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

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

Background and Purpose

On November 1, 2008, the Wilmington YMCA will sponsor the "Beach 2 Battleship Full and Half Iron Distance Triathlon" on the waters of Banks Channel including the waters of Wrightsville Channel adjacent to Wrightsville Beach, North Carolina. The swim portion of the event will consist of two groups of 500 swimmers entering Banks Channel southwest of the Coast Guard Station and swimming northeast along Wrightsville Channel and Motts Channel to Seapath Marina. A fleet of spectator vessels are expected to gather near the event site to view the competition. To provide for the safety of the participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during this event.

Discussion of Proposed Rule

The Coast Guard proposes the establishment of special local regulations on specified waters of Banks Channel. The regulation would be enforced from 6 a.m. to 11 a.m. on November 1, 2008. The effects of the regulation would be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no persons or vessels may enter or remain in the regulated area. Non-participating vessels will be allowed to transit between swim events, when the Coast Guard Patrol Commander determines it is safe to do so. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Analyses

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

Although this regulation prevents traffic from transiting a portion of Wrightsville Channel and Motts Channel during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect.

Extensive advance notification will be made to the maritime community via marine information broadcast, area newspapers, local radio and television stations so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between races, when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit this section of Wrightsville Channel, Motts Channel and Banks Channel from 6 a.m. to 11 a.m. on November 1, 2008. This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. Although the regulated area will apply to the Wrightsville Channel, traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the swim course. The Patrol Commander will allow non-participating vessels to transit the event area once all swimmers are safely clear of navigation channels and vessel traffic areas. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

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

qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of

Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

This proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination under the Instruction that this action is not likely to have a significant effect on the human environment. An environmental analysis checklist supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—REGATTAS AND MARINE PARADES

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add a temporary § 100.35–T05–0738 to read as follows:

§ 100.35–T05–0738 Wrightsville Channel, Wrightsville Beach, NC.

(a) *Regulated area.* The regulated area is established for the waters of Banks Channel, adjacent to Wrightsville Beach, NC, from the southern tip of Wrightsville Beach approximate position latitude 34°11'15" N, longitude 077°48'51" W, thence northeast to Seapath Marina, Wrightsville Beach, NC, approximate position latitude 34°12'45" N, longitude 077°48'27" W. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who have been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any person or vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) The operator of a vessel in the regulated area shall stop the vessel immediately when instructed to do so by the Official Patrol and then proceed as directed.

(iv) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the swim course.

(d) *Enforcement Period.* This section will be enforced from 6 a.m. to 11 a.m. on November 1, 2008.

Dated: July 28, 2008.

Fred M. Rosa, Jr.,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. E8–19001 Filed 8–15–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0411]

RIN 1625–AA00

Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishment of four safety zones to protect infrastructure and marine traffic from the hazards associated with recurring space vehicle launches from Cape Canaveral Air Force Station (CCAFS). The safety zones extend from the shoreline to points approximately 12 nautical miles offshore and will only be activated and enforced during pre-launch hours and terminate approximately 15 minutes after a successful launch. This action is necessary to protect marine traffic from the hazards associated with the launching of space vehicles; expedite notification to the public of such launches and also reduce the

administrative workload of the Coast Guard.

DATES: Comments and related material must reach the Coast Guard on or before October 17, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–0411 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

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

(2) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

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

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions about the proposed rule, call Ensign Ysabel Vandeputte at Coast Guard Sector Jacksonville Prevention Department (904) 564–7566. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0411), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> at any time. Enter the docket number for this rulemaking (USCG–2008–0411) in the Search box, and click "Go >>." You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the Coast Guard Sector Jacksonville Prevention Department, 4200 Ocean Street, Atlantic Beach, Florida 32233, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://DocketsInfo.dot.gov>.

Public Meeting

We do not plan to hold a public meeting. You may submit a request for a meeting by writing to Coast Guard Sector Jacksonville at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Space vehicle launches from CCAFS occur throughout the year and have a decided impact on the waters offshore

Cape Canaveral. These waters are located within the boundaries of Seventh Coast Guard District, Captain of the Port (COTP) Zone Jacksonville, as defined by CFR § 3.35–20. Currently, CCAFS launches 12 to 15 vehicles per year. For each launch, the Coast Guard activates and enforces the security zone in 33 CFR 165.701. The offshore portion of this security zone extends three miles from the baseline. However, to ensure the safety of all maritime interests, CCAFS has requested an additional safety buffer be added to an extent reaching 12 nautical miles offshore, the maximum distance from baseline for which the COTP has jurisdictional authority to establish safety zones. Presently, for each space vehicle launch, CCAFS requests, and the Coast Guard creates, a Temporary Final Rule establishing a safety zone from the baseline out to 12 nautical miles. This temporary safety zone covers an area of the Atlantic Ocean that commences at the shoreline and extends 3 miles either side of the launch azimuth bearing out to 12 nautical miles. Issuing individual Temporary Final Rules for each launch has created a significant administrative burden on the Coast Guard. In 2007, the Coast Guard issued, 12 temporary regulations. In addition to the administrative burden, the repeated temporary rules have caused confusion among maritime interests who must adjust plans and operations to each new and different temporary zone. This problem will worsen in the near future as CCAFS pursues more robust launch schedules.

Furthermore, the unpredictability of weather causes a significant proportion of launches to be delayed. Any delay precludes suitable notification to the public on the effective date and time safety zones are enacted and enforced. The Coast Guard must therefore create temporary final rules that sometimes are not completed until days or hours before the event. This delayed notification to the public potentially places maritime interests at risk.

This proposed rule will significantly relieve the administrative burden on the Coast Guard, and at the same time allow the Coast Guard to notify the public of launch area restrictions in a timely manner. The public notification of launch date and time along with a description of the regulated zone will be furnished via Broadcast Notice to Mariners, Public Notices, and on-scene Patrol Commanders.

Discussion of Proposed Rule

The proposed rule will come into effect 45 minutes prior to launch and terminate approximately 15 minutes

after successful launch. Because space vehicles may be launched from any number of launch pads at CCAFS, four safety zones are proposed to accommodate all potential launch azimuths. It is likely, however, that only one of the four safety zones will be activated and enforced for any particular launch. Safety zones described herein are not meant to replace the designated Coast Guard security zone as described in 33 CFR 165.701 that extends three miles from the baseline. These safety zones will be enforced in conjunction with the aforementioned security zone. The proposed safety zones will overlap the existing security zone providing an additional safety margin from three to 12 nautical miles.

Defining the safety zones was a collaborative effort between the U.S. Air Force, 45th Space Wing Range Operations and Safety Departments and the U.S. Coast Guard Space Transportation Systems Program Office in Port Canaveral, FL. Each safety zone was created using historical launch azimuth data. In addition, future potential launch trajectories were also considered. Safety zone coordinates are defined below:

Zone (A) is defined by four latitude and longitude corner points. Zone A originates at position 28°45'42" N, 080°42'42" W; then proceeds northeast to 28°50'6" N, 080°29'54" W; then proceeds southeast to 28°31'18" N, 080°19'36" W; then proceeds west at position 28°31'18" N, 080°33'24" W.

Zone (B) is defined by four latitude and longitude corner points. Zone B originates at position 28°40'6" N, 080°38'24" W; then proceeds northeast to 28°48'48" N, 080°28'54" W; then proceeds southeast to 28°29'42" N, 080°18'54" W; then proceeds west at position 28°29'42" N, 080°31'36" W.

Zone (C) is defined by four latitude and longitude corner points. Zone C originates at position 28°36'12" N, 080°35'18" W; then proceeds northeast to 28°45'24" N, 080°25'12" W; then proceeds south to 28°26' N, 080°20'48" W; then proceeds west at position 28°26' N, 080°34'24" W.

Zone (D) is defined by four latitude and longitude corner points. Zone D originates at position 28°31'36" N, 080°34' W; then proceeds east to 28°31'36" N, 080°20'6" W; then proceeds south to 28°16'42" N, 080°23'18" W; then proceeds northwest at position 28°21'36" N, 080°36'6" W.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking.

Below we summarize our analysis based on 13 of these statutes or executive orders.

Regulatory Planning and Review

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. Safety zones will be enacted 45 minutes prior to launch time and only extend 15 minutes beyond a successful launch. During this time, no vessel will be permitted to transit through the safety zone.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Total time of safety zone activation and thus restriction to the public is expected to be one hour per launch. We do not anticipate any significant economic impact resulting from activation of the safety zone(s).

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or

options for compliance, please contact Ensign Ysabel Vandeputte at Coast Guard Sector Jacksonville Prevention Department (904) 564–7566. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.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 made a preliminary determination that this action is not likely to have a significant effect on the human environment. A preliminary Environmental Analysis Check List supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 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 § 165.775 to read as follows:

§ 165.775 Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, Florida.

(a) *Regulated Area.* (1) Zone (A) is defined by four latitude and longitude corner points. Zone A originates at position 28°45'42" N, 080°42'42" W; then proceeds northeast to 28°50'6" N, 080°29'54" W; then proceeds southeast to 28°31'18" N, 080°19'36" W; then proceeds west at position 28°31'18" N, 080°33'24" W.

(2) Zone (B) is defined by four latitude and longitude corner points. Zone B originates at position 28°40'6" N, 080°38'24" W; then proceeds northeast to 28°48'48" N, 080°28'54" W; then proceeds southeast to 28°29'42" N, 080°18'54" W; then proceeds west at position 28°29'42" N, 080°31'36" W.

(3) Zone (C) is defined by four latitude and longitude corner points. Zone C originates at position 28°36'12" N, 080°35'18" W; then proceeds northeast to 28°45'24" N, 080°25'12" W; then proceeds south to 28°26' N, 080°20'48" W; then proceeds west at position 28°26' N, 080°34'24" W.

(4) Zone (D) is defined by four latitude and longitude corner points.

Zone D originates at position 28°31'36" N, 080°34' W; then proceeds east to 28°31'36" N, 080°20'6" W; then proceeds south to 28°16'42" N, 080°23'18" W; then proceeds northwest at position 28°21'36" N, 080°36'6" W.

(b) *Definitions.* The following definitions apply 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 (COTP) Jacksonville in the enforcement of regulated navigation areas, safety zones, and security zones.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Jacksonville or his designated representative.

(d) *Notice of a Safety Zone.* The proposed safety zones are temporary in nature and will only be enacted and enforced prior to, and just after a successful launch. The COTP will inform the public of the existence or status of the safety zone by Broadcast Notice to Mariners on VHF–FM channel 16, Public Notice, and on-scene presence. Coast Guard assets or other Federal, State, or local law enforcement assets will be clearly identified by lights, markings, or with agency insignia.

(e) *Contact Information.* The COTP Jacksonville may be reached by telephone at (904) 564–7513. Any on-scene Coast Guard or designated representative assets may be reached on VHF–FM channel 16.

Dated: June 19, 2008.

Paul F. Thomas,

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

[FR Doc. E8–18996 Filed 8–15–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2008–0051–200805(b); FRL–8705–2]

Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Nashville/Davidson County Portion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the State Implementation Plan (SIP) submitted by the State of Tennessee on October 19, 2007. The revision affects the Nashville/Davidson County portion of the Tennessee SIP. Specifically the revision pertains to the Metropolitan Public Health Department, Pollution Control Division's Regulation Number 8, "Inspection and Maintenance of Light-Duty Motor Vehicles." This revision is part of Nashville/Davidson County's strategy to meet the requirements of EPA's 1997 8-hour ozone standard. Regulation Number 8 is amended by reducing the vehicle emission inspection fee to \$9.00, and updating the definitions section. This revision is considered by the Tennessee Department of Environment and Conservation (TDEC) to be at least as stringent as the State of Tennessee's preexisting requirements. This action is being taken pursuant to section 110 of the Clean Air Act.

In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before September 17, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2008-0051, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *E-mail*: hou.james@epa.gov.
3. *Fax*: (404) 562-9019.
4. *Mail*: "EPA-R04-OAR-2008-0051," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.
5. *Hand Delivery or Courier*: Mr. James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management

Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Mr. James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-8965. Mr. Hou can also be reached via electronic mail at hou.james@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: July 30, 2008.

Russell L. Wright Jr.,

Acting Regional Administrator, Region 4.

[FR Doc. E8-18966 Filed 8-15-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2008-0612; FRL-8705-7]

Disapproval of State Implementation Plan Revision, Yolo Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to disapprove a revision to the Yolo Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP) concerning the District's analysis of whether its rules meet Reasonably Available Control Technology (RACT) under the 8-hour ozone National Ambient Air Quality Standard (NAAQS). We are proposing to disapprove the analysis under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by September 17, 2008.

ADDRESSES: Submit comments, identified by docket number EPA-R09-OAR-2008-0612, by one of the following methods:

1. *Federal eRulemaking Portal*: www.regulations.gov. Follow the on-line instructions.

2. *E-mail*: steckel.andrew@epa.gov.

3. *Mail or deliver*: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Instructions: All comments will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through www.regulations.gov or e-mail.

www.regulations.gov is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at www.regulations.gov and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947-4122, tong.stanley@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to EPA.

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I. The State's Submittal

A. What document did the State submit?

Table 1 lists the document proposed for disapproval with the date that it was

adopted and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED DOCUMENT

Local agency	Document	Adopted	Submitted
YSAQMD	Reasonably Available Control Technology	09/13/06	01/31/07

This submittal became complete by operation of law on July 31, 2007.

B. Are there other versions of this document?

There is no previous version of this document in the SIP.

C. What is the purpose of the submitted RACT SIP analysis?

VOCs and NO_x help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC and NO_x emissions. Sections 172(c)(1) and 182 require areas that are designated as moderate or above for ozone non-attainment to adopt RACT. The YSAQMD is subject to this requirement as it is designated as a serious ozone non-attainment area under the 8-hour NAAQS for ozone (40 CFR 81.305). Therefore, the YSAQMD must, at a minimum, adopt RACT level controls for sources covered by a Control Technique Guidelines (CTG) document and for any major non-CTG source.

Section IV.G. of EPA's final rule to implement the 8-hour ozone NAAQS (70 FR 71612, November 29, 2005) discusses RACT requirements. It states in part that where a RACT SIP is required, States implementing the 8-hour ozone standard generally must assure that RACT is met, either through a certification that previously required RACT controls represent RACT for 8-hour implementation purposes or through a new RACT determination. The submitted document provides YSAQMD's analysis of their RACT rules for the 8-hour NAAQS for ozone. EPA's technical support document (TSD) has more information about YSAQMD's RACT analysis.

II. EPA's Evaluation and Action

A. How is EPA evaluating the RACT SIP analysis?

The rules and guidance documents that we use to evaluate whether the analysis fulfills RACT include the following:

1. Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard (70 FR 71612; November 29, 2005).
2. Letter from William T. Harnett to Regional Air Division Directors, (May 18, 2006), "RACT Qs & As—Reasonably Available Control Technology (RACT) Questions and Answers".
3. State Implementation Plans, General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498; April 16, 1992).
4. RACT SIPs, Letter dated March 9, 2006 from EPA Region IX (Andrew Steckel) to CARB (Kurt Karperos) describing Region IX's understanding of what constitutes a minimally acceptable RACT SIP.
5. RACT SIPs, Letter dated April 4, 2006 from EPA Region IX (Andrew Steckel) to CARB (Kurt Karperos) listing EPA's current CTGs, ACTs, and other documents which may help to establish RACT.

B. Does the analysis meet the evaluation criteria?

YSAQMD's staff report included a table (Table A) listing all CTG source categories and matching those CTG categories with the corresponding District rule which implements RACT. Given its designation as a serious ozone non-attainment area, YSAQMD was also required to analyze RACT for all sources that emit or have the potential to emit at least 50 tons per year of NO_x or VOCs (CAA 182(c)). YSAQMD staff searched

for all sources that would be subject to a CTG and for sources that emitted or have the potential to emit at least 25 tpy of VOC or NO_x. YSAQMD identified three sources, Agrium U.S., Inc, Premier Industries (now Insulfoam), and Woodland Biomass Power Ltd., as major sources not subject to a District RACT rule.

YSAQMD points out that under Section 110(k)(4) of the CAA, the District can submit a plan revision based on a commitment to adopt specific enforceable measures up to one year after the date of approval of the plan revision. YSAQMD generally committed to submitting the required RACT rules for these sources within one year of approval of the plan revision. Under CAA Section 110(k)(4), however, EPA may approve a plan revision only where the State commits to adopt "specific enforceable measures by a date certain", not later than one year after the approval of the plan revision. YSAQMD's generalized commitment to submit RACT rules within a year for the sources and source categories that are currently not subject to RACT rules fails to provide the "specific enforceable measures by a date certain" required by CAA Section 110(k)(4). Accordingly, EPA concludes it is not appropriate to grant a conditional approval of the District's RACT certification.

The RACT certification provisions which do not meet the evaluation criteria are summarized in the next section and discussed further in the TSD.

YSAQMD's staff report also includes a negative declaration listing 13 CTG categories for which there are no sources in the District subject to the CTGs and no District rules covering those categories. These categories are provided in Table 2.

TABLE 2—NEGATIVE DECLARATIONS

CTG source category	CTG reference document
Aerospace	EPA-453/R-97-004—Aerospace Manufacturing and Rework Operations.

TABLE 2—NEGATIVE DECLARATIONS—Continued

CTG source category	CTG reference document
Ships	61 FR 44050 Shipbuilding and Ship Repair.
Metal Coil Container and Closure	EPA-450/2-77-008—Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Magnetic Wire	EPA-450/2-77-033—Surface Coating of Insulation of Magnet Wire.
Natural Gas/Gasoline Processing Plants, Equipment Leaks	EPA-450/2-83-007—Equipment Leaks from Natural Gas/Gasoline Processing Plants.
Refineries	EPA-450/2-77-025—Refinery Vacuum Producing Systems, Waste-water Separators, and Process Unit Turnarounds.
Paper and Fabric	EPA-450/2-78-036—VOC Leaks from Petroleum Refinery Equipment.
Dry Cleaning	EPA-450/2-77-008—Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Rubber Tires	EPA-450/3-82-009—Large Petroleum Dry Cleaners.
Large Appliances, Surface Coating	EPA-450/2-78-030—Manufacture of Pneumatic Rubber Tires.
Wood Coating	EPA-450/2-77-034—Surface Coating of Large Appliances.
Synthetic Organic Chemical	EPA-450/2-78-032—Factory Surface of Flat Wood Paneling.
	Possible error—YSAQMD listed the polymer/Resin CTG under this category.
	EPA-450/3-83-006—Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
Polyester Resin.	EPA-450/3-83-006—Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
	EPA-450/3-83-008—Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.

C. What are the deficiencies?

The following deficiencies prevent full approval of YSAQMD's RACT certification.

1. YSAQMD identified three major non-CTG sources in the District that are not covered by RACT rules or SIP approved permits. Such rules or permits should be submitted to EPA for approval.

2. YSAQMD's pharmaceutical manufacturing rule may be less stringent than the CTG. Rule 2.35 should be revised and submitted to EPA for approval.

3. On May 14, 2008, YSAQMD amended the solvent cleaning provisions in several rules to address RACT requirements. These rules need to be submitted to, and approved by, EPA.

4. YSAQMD should submit a negative declaration for the Wood Furniture CTG or submit Rule 2.39 for SIP approval.

D. EPA Recommendations To Further Improve the RACT SIP Analysis

The TSD describes additional revisions that do not affect EPA's current action but are recommended to strengthen the RACT analysis.

E. Proposed Action and Public Comment

As authorized in Section 110(k)(3) of the Act, we are proposing a disapproval of the submitted YSAQMD RACT SIP analysis. If finalized, sanctions would be imposed unless EPA approves a revised RACT SIP analysis and the required rules that correct the deficiencies discussed above within 18

months of the disapproval. These sanctions would be imposed as described in CAA section 179 and 40 CFR 52.30–52.32. A final disapproval would also trigger the 2 year clock for the federal implementation plan (FIP) requirement under section 110(c)(1).

We will accept comments from the public on the proposed disapproval for the next 30 days.

III. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Paperwork Reduction Act

This rulemaking does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rulemaking will not have a significant impact on a substantial number of small entities because SIP disapproval actions under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply disapproves for inclusion into the SIP requirements that the State is already imposing. Therefore, because the Federal SIP disapproval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives

of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the disapproval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to disapprove a pre-existing analysis under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely disapproves a state analysis, and does not alter the relationship or the

distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rulemaking.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This proposed rule disapproval does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. Thus, Executive Order 13175 does not apply to this rule disapproval.

EPA specifically solicits additional comment on this proposed rule disapproval from tribal officials.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This rulemaking is not subject to Executive Order 13045, because it disapproves a state analysis.

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

This rulemaking is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing

programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: August 7, 2008.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. E8–19073 Filed 8–15–08; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. B–7795]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On July 23, 2008, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 73 FR 42755. The table provided here represents the flooding source, location of referenced elevation, effective and modified elevation, and communities affected for Alameda County, California. Specifically, it addresses Castro Valley Creek (Line J).

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151 or (e-mail) bill.blanton@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities

participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact

stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Correction

In the proposed rule published at 73 FR 42755 in the July 23, 2008, issue of the **Federal Register**, FEMA published a

table under the authority of 44 CFR 67.4. The table, entitled "Alameda County, California, and Incorporated Areas" addressed Castro Valley Creek (Line J). That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, or communities affected for these flooding sources. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Alameda County, California and Incorporated Areas				
Castro Valley Creek (Line J)	At the confluence with Castro Valley Creek (Line I)	+165	+164	Unincorporated Areas of Alameda County.
	Approximately 70 feet upstream of Seaview Avenue ..	None	+332	

Dated: August 8, 2008.

David I. Maurstad,

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

[FR Doc. E8-19012 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-1000]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1 percent annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt

or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before November 17, 2008.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1000, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151 or (e-mail) bill.blanton@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make

determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

Administrative Procedure Act Statement. This matter is not a rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of

1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

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

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

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	
				Existing	Modified
Town of Salisbury, Massachusetts					
Massachusetts	Town of Salisbury	Atlantic Ocean	Along Atlantic Avenue south of Vermont St. to Railroad Ave.	None	+14
			Along Atlantic Avenue approximately 500' south of Railroad Ave.	None	+15

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Salisbury

Maps are available for inspection at 5 Beach Road, Town of Salisbury, MA 01950.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lawrence County, Alabama, and Incorporated Areas				
Tennessee River	At confluence of Wilson Lake (Tennessee River) and Town Creek approximately 2.6 miles downstream of Wheeler Dam.	None	+509	Unincorporated Areas of Lawrence County.
	Just below Wheeler Dam	None	+511	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Lawrence County

Maps are available for inspection at 750 Main Street, Moulton, AL 35650.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Orange County, Florida, and Incorporated Areas				
Apache Lake	Bound by Arrowhead Boulevard to the north, Arrena Road to the west, Orange/Osceola county boundary to the south, and Strahan Boulevard to the east.	None	+111	Unincorporated Areas of Orange County.
Bear Bay	Bound by Hartzog Road to the north, Avalon Road to the west, Hartzog Road to the south and east.	None	+104	Unincorporated Areas of Orange County.
Border Lake	Entire shoreline	+79	+77	City of Apopka.
Cypress Creek	Approximately 1,580 feet downstream of Winter Garden Vineland Road.	None	+98	Unincorporated Areas of Orange County.
	Approximately 2.6 miles upstream of Winter Garden Vineland Road.	+101	+102	
Doe Lake	Entire shoreline	None	+108	Unincorporated Areas of Orange County.
Druid Lake	Bound by Chelsea Street to the north, North Bumby Avenue to the west, Seabee Street to the south, and Port Hueneme Avenue to the east.	None	+104	City of Orlando.
Flooding Effects from Hancock Lake (Lake County).	Bound by Old YMCA Road to the north, Orange/Lake county boundary to the west, Lake Star Road to the south, and Avalon Road to the east.	None	+110	Unincorporated Areas of Orange County.
	Bound by Lake Ihrig to the north, Orange/Lake county boundary to the west, Lake Star Road to the south, and Avalon Road to the east.	None	+115	
	Bound by Flemings Road to the north, Orange/Lake county boundary to the west, County Road to the south, and Avalon Road to the east.	None	+115	
Flooding Effects from Sawgrass Bay (Lake County).	Bound by Unnamed Lake E to the north, Orange/Lake county boundary to the west, Lake Ihrig to the south, and Unnamed Lake I to the east.	None	+106	Unincorporated Areas of Orange County.
Grass Lake	Bound by County Road to the north, Orange/Lake county boundary to the west, Bali Boulevard to the south, and Avalon Road to the east.	+114	+113	Unincorporated Areas of Orange County.
Hicorynut Lake	Bound by Old YMCA Road to the north, Orange/Lake county boundary to the west, Lake Star Road to the south, and Avalon Road to the east.	+106	+104	Unincorporated Areas of Orange County.
Huckleberry Lake	Bound by Phil Ritson Way to the north, Avalon Road to the west, Seidel Road to the south, and Lake Hancock Road to the east.	None	+97	Unincorporated Areas of Orange County.
John Young Parkway Drainage Canal.	Approximately 1,000 feet downstream of Mercy Drive	None	+89	Unincorporated Areas of Orange County, City of Orlando.
	Just downstream of North Texas Avenue	None	+94	
Lake 74	Bound by Canterclub Trail to the north, Haverlake Circle to the west, Orangehurst Street to the south, and Orange/Seminole county boundary to the east.	None	+114	Unincorporated Areas of Orange County.
Lake Angel	Bound by 23rd Street to the north, S. Westmoreland Drive to the west, 26th Street to the south, and Interstate 4 to the east.	None	+104	Unincorporated Areas of Orange County, City of Orlando.
Lake Austin	Entire shoreline	+114	+113	Unincorporated Areas of Orange County.
Lake Bessie	Entire shoreline	+102	+101	Town of Windermere, Unincorporated Areas of Orange County.
Lake Blanche	Entire shoreline	+102	+101	Unincorporated Areas of Orange County.
Lake Britt	Bound by Hartzog Road to the north, Avalon Road to the west, and Hartzog Road to the south and east.	None	+105	Unincorporated Areas of Orange County.
Lake Burden	Bound by Chase Road to the north, Winter Garden Vineland Road to the west and south, and Lake Tibet to the east.	None	+108	Unincorporated Areas of Orange County.
Lake Butler	Bound by Lake Butler Boulevard to the north, West Lake Butler Road to the west, Chase Road to the south, and Main Street to the east.	+102	+101	Unincorporated Areas of Orange County, Town of Windermere.
Lake Cay Dee	Bound by Corrine Drive to the north, Falcon Drive to the west, Chelsea Street to the south, and Oriole Avenue to the east.	None	+110	City of Orlando.
Lake Chapin	Bound by Arrowhead Boulevard to the north, Avalon Road to the west, Interstate 192 to the south, and Arrena Road to the south.	None	+111	Unincorporated Areas of Orange County.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lake Florence	Bound by Lake Florence to the north and west, Good Homes Road to the south and east.	None	+81	Unincorporated Areas of Orange County, City of Ocoee.
Lake Fran	Entire shoreline	+98	+95	City of Orlando.
Lake Gifford	Entire shoreline	None	+113	Unincorporated Areas of Orange County.
Lake Hancock	Bound by McKinney Road to the north, Avalon Road to the west, Porter Road to the south, and Ficquette Road to the east.	None	+99	Unincorporated Areas of Orange County.
Lake Hartley	Entire shoreline	None	+99	Unincorporated Areas of Orange County.
Lake Heney	Entire shoreline	+104	+106	Unincorporated Areas of Orange County.
Lake Ihrig	Entire shoreline	None	+106	Unincorporated Areas of Orange County.
Lake Johio	Bound by New Victor Road to the north, Tuscan Mill Way to the west, Azalea Ranch Lane to the south, and Johio Shores Road to the east.	None	+120	Unincorporated Areas of Orange County, City of Ocoee.
Lake June	Bound by 18th Street to the north, Highway 441 to the west, West Kaley Avenue to the south, and South Westmoreland Drive to the east.	None	+105	Unincorporated Areas of Orange County.
Lake Lotta	Bound by Floribunda Drive to the north, South Clarke Road to the west, State Highway 408 West to the south, and Good Homes Road to the east.	+93	+91	Unincorporated Areas of Orange County, City of Ocoee.
Lake Lucy	Entire shoreline	+73	+81	Unincorporated Areas of Orange County.
Lake Mabel	Bound by Winter Garden Vineland Road to the north, Reams Road to the west, Vista Boulevard to the south, and Winter Garden Vineland to the east.	+97	+95	Unincorporated Areas of Orange County.
Lake Moxie	Entire shoreline	+141	+143	City of Ocoee.
Lake Needham	Bound by Schofield Road to the north, Orange/Lake county boundary to the west, Old YMCA Road to the south, and Avalon Road to the east.	+107	+106	Unincorporated Areas of Orange County.
Lake Notasulga	Bound by State Highway 50 to the north, Feguson Drive to the west, Old Winter Garden Road to the south, and State Highway 423 to the east.	None	+99	Unincorporated Areas of Orange County, City of Orlando.
Lake Oliver	Entire shoreline	+114	+113	Unincorporated Areas of Orange County.
Lake Olympia	Entire shoreline	+100	+102	Unincorporated Areas of Orange County.
Lake Pit	Bound by Flemings Road to the north, to Orange/Lake county boundary to the west, County Road to the south, and Avalon Road to the east.	+114	+113	Unincorporated Areas of Orange County.
Lake Prima Vista	Bound by Starke Lake to the north, Lakewood Avenue to the west, East Orlando Avenue to the south, and East Lakeshore Drive to the east.	+100	+102	Unincorporated Areas of Orange County, City of Ocoee.
Lake Reams	Entire shoreline	None	+99	Unincorporated Areas of Orange County.
Lake Rexford	Bound by Hartzog Road to the north, Avalon Road to the west, Arrowhead Boulevard to the south and to the east.	None	+112	Unincorporated Areas of Orange County.
Lake Rhea	Bound by Roberson Road to the north, Windermere Road to the west, Willow Gardens Road to the south, and Maguire Road to the east.	+117	+118	Unincorporated Areas of Orange County.
Lake Sawgrass	Bound by Porter Road to the north, Phil Ritson Way to the west, Lake Hancock Road to the south and to the east.	None	+99	Unincorporated Areas of Orange County.
Lake Sawyer	Bound by Winter Garden Vineland Road to the north, Ficquette Hancock Road to the west, Overstreet Road to the south, and Winter Garden Vineland Road to the east.	None	+106	Unincorporated Areas of Orange County.
Lake Scott	Bound by Hartzog Road to the north, Avalon Road to the west, Arrowhead Boulevard to the south, and Vista Del Lago Boulevard to the east.	None	+112	Unincorporated Areas of Orange County.
Lake Sentinel	Bound by Lake Starr Road to the north and to the west, Flemings Road to the south, and Avalon Road to the east.	+112	+110	Unincorporated Areas of Orange County.
Lake Sharp	Entire shoreline	None	+99	Unincorporated Areas of Orange County.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lake Speer	Bound by Tilden Road to the north, Tiny Road to the west, Ficquette Road to the south, and Winter Garden Vineland Road to the east.	None	+101	Unincorporated Areas of Orange County.
Lake Stanley	Bound by Lowman Avenue to the north, Cedar Bluff Lane to the west, State Highway 438 to the south, and North Apopka Vineland Road to the east.	None	+84	Unincorporated Areas of Orange County, City of Ocoee.
Lake Starr	Bound by Lake Starr Road to the north and to the west, Flemings Road to the south, and Avalon Road to the east.	+112	+111	Unincorporated Areas of Orange County, City of Ocoee.
Lake Theresa	Bound by Pelican Road to the north, Executive Center Drive to the west, Maguire Boulevard to the south, and Bennet Road to the east.	+112	+113	City of Orlando.
Lake William Davis	Bound by West Lake Butler Road to the north, Winter Garden Vineland Road to the west and to the south, and West Lake Butler Road to the east.	None	+101	Unincorporated Areas of Orange County.
Little Fish Lake	Entire shoreline	+102	+101	Unincorporated Areas of Orange County.
Little Lake Sawyer	Bound by Winter Garden Vineland Road to the north, Ficquette Hancock Road to the west, Overstreet Road to the south, and Winter Garden Vineland Road to the east.	None	+106	Unincorporated Areas of Orange County.
Little Osage Lake	Bound by Osage Lake to the north, Strahan Boulevard to the west, Orange/Osceola county boundary to the south, and Vista Del Lago Boulevard to the east.	None	+111	Unincorporated Areas of Orange County.
Mudd Lake	Entire shoreline	+114	+113	Unincorporated Areas of Orange County.
Orange County	Lake Gillooly	None	+83	Unincorporated Areas of Orange County, City of Orlando.
Pond Outfall Canal	Approximately 2,640 feet upstream of East Landstreet Road.	None	+94	
Osage Lake	Bound by Arrowhead Boulevard to the north and west, Orange/Osceola county boundary to the south, and Vista Del Lago Boulevard to the east.	None	+111	Unincorporated Areas of Orange County.
Peach Lake	Entire shoreline	+149	+151	City of Ocoee.
Pond 740	Bound by State Highway 50 to the north, Mercy Drive to the west, Old Winter Garden Road to the south, and Ferguson Drive to the east.	None	+99	City of Orlando.
Ponding Area 395-1	Bound by Orange/Lake county boundary to the north, Rainey Road to the west, Swain Road to the south, and Mt. Plymouth Road to the east.	None	+62	Unincorporated Areas of Orange County.
Ponding Area No. 30	Bound by Lynx Lane to the north, State Highway 423 to the west, State Highway 438 to the south, and North Texas Avenue to the east.	None	+98	City of Orlando.
Ponding Area No. 31	Bound by State Highway 438 to the north, State Highway 423 to the west, John Young Parkway Drainage Canal to the south, and Brinkley Way to the east.	None	+97	City of Orlando.
Ponding Area No. 32	Bound by State Highway 438 to the north, State Highway 423 to the west, John Young Parkway Drainage Canal to the south, and North Texas Avenue to the east.	None	+96	City of Orlando.
Ponding Area No. 33	Bound by W. Judge Drive to the north, Kensington Drive to the west, State Highway 50 to the south, and State Highway 423 to the east.	None	+98	City of Orlando.
Ponding Area No. 34	Bound by West D. Judge Drive to the north, Kensington Drive to the west, State Highway 50 to the south, and State Highway 423 to the east.	None	+96	City of Orlando.
Ponding Area No. 35	Bound by West D. Judge Drive to the north, Mercy Drive to the west, State Highway 50 to the south, and Ferguson Drive to the east.	None	+96	City of Orlando, Unincorporated Areas of Orange County.
Ponding Area No. 36	Bound by West D. Judge Drive to the north, Mercy Drive to the west, El Rey Road to the south, and Ferguson Drive to the east.	None	+96	City of Orlando.
Ponding Area No. 37	Bound by Boston Common Street to the north, Mercy Drive to the west, El Rey Road to the south, and Ferguson Drive to the east.	None	+96	City of Orlando, Unincorporated Areas of Orange County.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Ponding Area No. 38	Bound by Racoon Lake to the north, Ranger Smiths Circle to the west, Orange/Osceola county boundary to the south, and Orange Lake Circle to the east.	None	+105	Unincorporated Areas of Orange County.
Ponding Area No. 39	Bound by Orange Lake Circle to the north, Ponding Area No. 38 to the west, Orange/Osceola county boundary to the south, and Orange Lake Boulevard to the east.	None	+105.	Unincorporated Areas of Orange County.
Ponding Area No. 40	Bound by Aviando Del Lago Drive to the north, Vista Del Lago to the west, Daeza Drive to the south, and Racoon Lake to the east.	None	+110	Unincorporated Areas of Orange County.
Ponding Area No. 41	Bound by Lake Kern Way to the north, Racoon Lake to the west, and Orange Lake Boulevard to the south and to the east.	None	+105	Unincorporated Areas of Orange County.
Ponding Area No. 42	Bound by Hartzog Road to the north, Lake Kern Way to the west and to the south, and Cypress Circle to the east.	None	+105	Unincorporated Areas of Orange County.
Ponding Area No. 43	Bound by Hartzog Road to the north, Avalon Road to the west, and Hartzog Road to the south and to the east.	None	+110	Unincorporated Areas of Orange County.
Ponding Area No. 44	Bound by Hartzog Road to the north, Avalon Road to the west, and Hartzog Road to the south and to the east.	None	+107	Unincorporated Areas of Orange County.
Ponding Area No. 45	Bound by Hartzog Road to the north, Avalon Road to the west, and Hartzog Road to the south and to the east.	None	+106	Unincorporated Areas of Orange County.
Ponding Area No. 49	Bound by County Road to the north, Orange/Lake county boundary to the west, Bali Boulevard to the south, and Avalon Road to the east.	None	+116	Unincorporated Areas of Orange County.
Ponding Area No. 50	Bound by Bali Avenue to the north, Orange/Lake county boundary to the west, Orange/Osceola county boundary to the south, and Bali Avenue to the east.	None	+112	Unincorporated Areas of Orange County.
Ponding Area No. 51	Bound by Hartzog Road to the north, Avalon Road to the west, Arrowhead Boulevard to the south, and Vista Del Lago Boulevard to the east.	None	+113	Unincorporated Areas of Orange County.
Ponding Area No. 52	Bound by Hartzog Road to the north, Avalon Road to the west, Arrowhead Boulevard to the south, and Vista Del Lago Boulevard to the east.	None	+112	Unincorporated Areas of Orange County.
Ponding Area No. 53	Bound by Hartzog Road to the north, Avalon Road to the west, Arrowhead Boulevard to the south, and Vista Del Lago Boulevard to the east.	None	+112	Unincorporated Areas of Orange County.
Ponding Area No. 54	Bound by Vista Del Lago Boulevard to the north, Avalon Road to the west, Cordoba Street to the south, and Vista Del Lago Boulevard to the east.	None	+113	Unincorporated Areas of Orange County.
Ponding Area No. 55	Bound by Vista Del Lago Boulevard to the north, Avalon Road to the west, Cordoba Street to the south, and Vista Del Lago Boulevard to the east.	None	+112	Unincorporated Areas of Orange County.
Ponding Area No. 56	Bound by Cordoba Street to the north, Arrowhead Boulevard to the west, Osage Lake to the south, and Vista Del Lago Boulevard to the east.	None	+111	Unincorporated Areas of Orange County.
Ponding Area No. 57	Bound by Flemings Road to the north, Orange/Lake county boundary to the west, County Road to the south, and Avalon Road to the east.	+114	+115	Unincorporated Areas of Orange County.
Ponding Area No. 58	Bound by Old YMCA Road to the north and to the west, Hickorynut Lake to the south, and Avalon Road to the east.	None	+104	Unincorporated Areas of Orange County.
Ponding Area No. 60	Bound by Seidel Road to the north, Avalon Road to the west, Hartzog Road to the south, and Reedy Lake to the east.	None	+106	Unincorporated Areas of Orange County.
Ponding Area No. 61	Bound by Malcom Road to the north, Avalon Road to the west, McKinney Road to the south, and Mann Road to the east.	None	+100	Unincorporated Areas of Orange County.
Ponding Area No. 62	Bound by Tilden Road to the north, Tiny Road to the west, Lake Speer to the south, and Winter Garden Vineland Road to the east.	None	+102	Unincorporated Areas of Orange County.
Ponding Area No. 63	Bound by McKinney Road to the north, Avalon Road to the west, Porter Road to the south, and Ficquette Hancock Road to the east.	None	+102	Unincorporated Areas of Orange County.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Ponding Area No. 64	Bound by Lake Star Road to the north Flemings Road to the west and to the south, and Avalon Road to the east.	None	+116	Unincorporated Areas of Orange County.
Ponding Area No. 65	Bound by Hartzog Road to the north, Avalon Road to the west, and Hartzog Road to the south and to the east.	None	+107	Unincorporated Areas of Orange County.
Ponding Area No. 66	Bound by Whittenhorse Creek to the north, Hartzog Road to the west, Boggy Creek 2 to the south, and Perimeter Canal to the east.	None	+103	Unincorporated Areas of Orange County.
Ponding Area No. 67	Bound by Porter Road to the north, Avalon Road to the west, Seidel Road to the south and to the east.	None	+99	Unincorporated Areas of Orange County.
Ponding Area No. 68	Bound by West Lake Butler Road to the north, Winter Garden Vineland Road to the west and to the south, and West Lake Butler Road to the east.	None	+106	Unincorporated Areas of Orange County.
Ponding Area No. 69	Bound by Overstreet Road to the north, Reams Road to the west and to the south, and Winter Garden Vineland Road to the east.	None	+108	Unincorporated Areas of Orange County.
Ponding Area No. 70	Bound by Lake Butler to the north, Winter Garden Vineland Road to the west, Sandy Shores Drive to the south and to the east.	None	+101	Unincorporated Areas of Orange County.
Ponding Area No. 71	Bound by Park Ridge Gotha Road to the north, Maguire Road to the west, Wonder Lane to the south, and Down Hollow Road to the east.	+102	+106	Unincorporated Areas of Orange County.
Ponding Area No. 72	Bound by Wonder Lane to the north, Maguire Road to the west, Down Yonder Lane to the south, and Lake Down to the east.	+101	+103	Unincorporated Areas of Orange County.
Ponding Area No. 73	Bound by Chase Road to the north and to the west, Isleworth Country Club Drive to the south, and railroad to the east.	+101	+102	Unincorporated Areas of Orange County.
Ponding Area No. 75	Bound by Brookline Drive to the north, railroad to the west and to the south, and Brookline Drive to the east.	None	+111	Unincorporated Areas of Orange County.
Ponding Area No. 76	Bound by Bat Hill Boulevard to the north and to the west, Shawn Park Place to the south, and Donegal Drive to the east.	+101	+103	Unincorporated Areas of Orange County.
Ponding Area No. 77	Bound by Lost Cove Road to the north, Shawn Park Place to the west, South Bay Drive to the south, and Lost Cove Road to the east.	+102	+103	Unincorporated Areas of Orange County.
Ponding Area No. 78	Bound by State Highway 50 to the north, State Route 408 Off Ramp to the west and to the south, and Citrus Oaks Avenue to the east.	None	+92	Unincorporated Areas of Orange County, City of Ocoee.
Ponding Area No. 79	Bound by Clarcona Ocoee Road to the north, Licaria Drive to the west, Nicole Boulevard to the south, and Lauren Beth Avenue to the east.	None	+89	Unincorporated Areas of Orange County, City of Ocoee.
Ponding Area No. 80	Bound by Lumberjack Lane to the north, Log Wagon Road to the west, Hackney Prairie Road to the south, and Timber Ridge Trail to the east.	None	+96	City of Ocoee.
Ponding Area No. 81	Bound by Natchez Trace Boulevard to the north and to the west, Montevello Court to the south, and Sackett Circle to the east.	None	+115	Unincorporated Areas of Orange County.
Ponding Area No. 82	Bound by White Road to the north, Rosemist Court to the west, and South Clarke Road to the south and to the east.	None	+97	Unincorporated Areas of Orange County.
Raccoon Lake	Bound by Hartzog Road to the north, Boo Boo Road to the west, Orange/Osceola county boundary to the south, and Orange Lake Boulevard to the east.	None	+105	Unincorporated Areas of Orange County.
Reedy Lake	Bound by Overstreet Road to the north, Lake Reams Boulevard to the west, Reams Road to the south and to the east.	None	+96	Unincorporated Areas of Orange County.
Rock Lake	Bound by Rock Lake Drive to the north, North Tampa Avenue to the west, West Washington Street to the south, and Highway 441 to the east.	None	+100	City of Orlando.
Shingle Creek	Orange/Osceola county boundary	+76	+75	Unincorporated Areas of Orange County.
South Lake	Just downstream of Raleigh Street	+96	+97	Unincorporated Areas of Orange County.
	Bound by Connie Drive to the north, World Drive to the west, Vista Boulevard to the south, and Winter Garden Vineland Road to the east.	+97	+95	
Southport Ditch	Just downstream of Tradeport Drive South	None	+87	City of Orlando.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Spring Lake No. 3	Approximately 1,000 feet upstream of Andros Place .. Bound by railroad to the north, Ridgefield Avenue to the west, Century Oak Drive to the south, and North Clarke Road to the east.	None +121	+89 +117	Unincorporated Areas of Orange County, City of Ocoee.
Starke Lake	Bound by State Highway 438 to the north, North Lakeshore Drive to the west, East Lakeshore Drive to the south, and 1st Street to the east.	+100	+102	Unincorporated Areas of Orange County, City of Ocoee.
Stream A No. 1	Approximately 400 feet downstream of North Bluford Avenue.	+100	+102	City of Ocoee.
Stream B	Just downstream of North Kissimmee Avenue	+112	+113	Unincorporated Areas of Orange County.
	Just downstream of Ocoee Apopka Road	None	+89	
	Approximately 800 feet downstream of Ocoee Apopka Road.	+114	+111	
Stream B (Swamp)	Bound by Fullers Cross Road to the north, Ocoee Apopka Road to the west, State Highway 438 to the south, and North Lakewood Avenue to the east.	+116	+119	Unincorporated Areas of Orange County, City of Ocoee.
Stream C	Just upstream of State Road 429	None	+89	Unincorporated Areas of Orange County, City of Ocoee.
Texas Basin Ponding Area ...	Just upstream of Palm Drive	None	+116	Unincorporated Areas of Orange County, City of Orlando.
	Bound by State Highway 50 to the north, State Highway 423 to the west, Old Winter Garden Road to the south, and North Tampa Avenue to the east.	None	+100	
Tradeport Ditch	Just upstream of Wiley Drive	None	+82	City of Orlando.
	Just upstream of Oak Bluff Drive	None	+93	
Tub Lake	Bound by Seidel Road to the north and to the west, Reedy Lake to the south, and Perimeter Canal to the east.	+95	+96	Unincorporated Areas of Orange County.
Unnamed Flooding Area (Lake 72).	Bound by Orchard Drive to the north, Majestic Oak Drive to the west and to the south, and Orange/Seminole county boundary to the east.	None	+64	Unincorporated Areas of Orange County.
Unnamed Lake 14	Bound by Old YMCA Road to the north, Hickorynut Lake to the west and to the south, and Avalon Road to the east.	+106	+103	Unincorporated Areas of Orange County.
Unnamed Lake 15	Bound by Phil Ritson Way to the north, Avalon Road to the west, Seidel Road to the south and to the east.	+106	+103	Unincorporated Areas of Orange County.
Unnamed Lake 17	Bound by Roberson Road to the north, Windermere Road to the west and to the south, and Kane Park Way to the east.	+109	+106	Unincorporated Areas of Orange County.
Unnamed Lake D	Entire shoreline	+106	+105	Unincorporated Areas of Orange County.
Unnamed Lake E	Entire shoreline	+106	+105	Unincorporated Areas of Orange County.
Unnamed Lake F	Entire shoreline	+106	+104	Unincorporated Areas of Orange County.
Unnamed Lake G	Entire shoreline	+106	+104	Unincorporated Areas of Orange County.
Unnamed Lake H	Entire shoreline	+106	+104	Unincorporated Areas of Orange County.
Unnamed Lake I	Entire shoreline	+106	+104	Unincorporated Areas of Orange County.
Unnamed Lake J	Entire shoreline	+106	+107	Unincorporated Areas of Orange County.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Apopka

Maps are available for inspection at Apopka City Engineer's Office, 120 East Main Street, Apopka, FL 32704-1229.

City of Ocoee

Maps are available for inspection at Building and Zoning Department, 150 North Lakeshore Drive, Ocoee, FL 34761.

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

City of Orlando

Maps are available for inspection at City of Orlando Permitting Services, 400 South Orange Avenue, Orlando, FL 32801.

Town of Windermere

Maps are available for inspection at Windermere Town Hall, 614 Main Street, Windermere, FL 34786.

Unincorporated Areas of Orange County

Maps are available for inspection at Orange County Stormwater Management Department, 4200 South John Young Parkway, Orlando, FL 32839.

Madison County, Illinois, and Incorporated Areas

Cahokia Canal	Approximately 1,100 feet northeast of the intersection of Industrial Avenue and Cahokia Street (City of Madison in St. Clair County).	None	+427	Unincorporated Areas of Madison County, City of Collinsville, City of Madison, Village of Pontoon Beach.
Cahokia Creek	Diversion with Judys Branch and Burdick Branch	None	+433	Unincorporated Areas of Madison County, Village of Hartford, Village of South Roxana.
	At confluence with Mississippi River	+436	+434	
Canteen Creek	Approximately 0.5 mile downstream of State Route 255.	+436	+435	
	Approximately 1.2 miles upstream of Collinsville Road	+426	+427	Unincorporated Areas of Madison County, City of Collinsville.
Judys Branch	Approximately 900 feet upstream of confluence with Cahokia Creek.	None	+428	Unincorporated Areas of Madison County, Village of Glen Carbon, Village of Pontoon Beach.
	At confluence with Cahokia Canal	+416	+433	
Judys Branch Tributary 10	Approximately 0.7 mile upstream of State Route 159	None	+526	Village of Glen Carbon.
	At confluence with Judys Branch	None	+506	
	Approximately 475 feet downstream of Green Acres Road.	None	+507	
Judys Branch Tributary 5	At confluence with Judys Branch	None	+474	Village of Glen Carbon.
Judys Branch Tributary 5a	Approximately 350 feet upstream of Barkwood Lane ..	None	+483	Village of Glen Carbon.
	At confluence with Judys Branch Tributary 5	None	+486	
Judys Branch Tributary 5b	Approximately 1,000 feet upstream of State Route 159.	None	+528	Unincorporated Areas of Madison County, Maryville, Village of Glen Carbon.
	At confluence with Judys Branch Tributary 5	None	+484	
Judys Branch Tributary 9	Approximately 0.6 mile upstream of State Route 159	None	+559	Unincorporated Areas of Madison County, Village of Glen Carbon.
	At confluence with Judys Branch	None	+495	
Judys Branch Tributary 9a	Approximately 300 feet upstream of E Ingle Drive	None	+497	Unincorporated Areas of Madison County, Village of Glen Carbon.
	At confluence with Judys Branch Tributary 9	None	+499	
Judys Branch Tributary 9b	Approximately 150 feet upstream of Ash Road	None	+517	Unincorporated Areas of Madison County.
	At confluence with Judys Branch Tributary 9	None	+499	
Judys Creek	Approximately 750 feet east of Harvest Court	None	+508	Unincorporated Areas of Madison County, Village of Glen Carbon.
	At confluence with Judys Branch	None	+457	
Judys Creek Tributary B	Approximately 0.9 mile upstream of Norfolk and Western Railway.	None	+523	Unincorporated Areas of Madison County, Village of Glen Carbon.
	At confluence with Judys Creek	None	+491	
Laurel Branch	Approximately 275 feet downstream of Timberwolfe Drive.	None	+508	Unincorporated Areas of Madison County, City of Highland.
	At confluence with Lindenthal Creek	+490	+486	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Laurel Branch Tributary 1	Approximately 800 feet southwest of the intersection of 13th Street and Laurel Street.	None	+508	Unincorporated Areas of Madison County, City of Highland.
	At confluence with Laurel Branch	None	+497	
Lindenthal Creek	Approximately 800 feet upstream of Willow Creek Drive.	None	+531	Unincorporated Areas of Madison County, City of Highland.
	Upstream side of Iberg Road	None	+474	
Lindenthal Creek Tributary 1	Downstream side of Sportsman Road	None	+530	Unincorporated Areas of Madison County, City of Highland.
	At confluence with Lindenthal Creek	None	+529	
Lindenthal Creek Tributary 2	Approximately 1,300 feet upstream of Troxler Avenue	None	+536	Unincorporated Areas of Madison County, City of Highland.
	At confluence with Lindenthal Creek Tributary 1	None	+531	
Lindenthal Creek Tributary 3	Approximately 400 feet upstream of U.S. Highway 40	None	+540	Unincorporated Areas of Madison County.
	At confluence with Lindenthal Creek Tributary 2	None	+531	
Lindenthal Creek Tributary 4	Approximately 1,100 feet upstream of Confluence with Lindenthal Creek Tributary 2.	None	+531	City of Highland.
	At confluence with Lindenthal Creek Tributary 1	None	+531	
Mississippi River	Approximately 300 feet south of Troxler Avenue	None	+535	Unincorporated Areas of Madison County, City of Alton, City of Collinsville, City of Edwardsville, City of Granite City, City of Madison, City of Venice, City of Wood River, Village of East Alton, Village of Glen Carbon, Village of Godfrey, Village of Hartford, Village of Pontoon Beach, Village of Roxana, Village of South Roxana.
	Near intersection of Schoenberger Creek No. 1 and I-55 in City of Madison (in St. Clair County).	+403	+427	
Mooney Creek	Madison County/Jersey County corporate limits	+438	+437	Unincorporated Areas of Madison County, City of Edwardsville.
	Upstream side of Marine Road	+476	+480	
Mooney Creek Tributary 1	Downstream side of Goshen Road	None	+525	City of Edwardsville.
	At confluence with Mooney Creek	None	+515	
	Approximately 800 feet upstream of Stonebrooke Drive.	None	+520	
Mooney Creek Tributary 2	At confluence with Mooney Creek	None	+520	City of Edwardsville.
	Approximately 1,300 feet downstream of Gusewelle Road.	None	+538	
Smith Lake Tributary	Approximately 0.5 mile downstream of E Edwardsville Road.	None	+434	Unincorporated Areas of Madison County, City of Wood River, Village of Roxana.
Wood River	Approximately 500 feet downstream of Lakin Blvd	+433	+434	Unincorporated Areas of Madison County, City of Alton, Village of East Alton.
	At confluence with Mississippi River	+437	+435	
	Upstream side of Chicago Missouri & Western Railroad.	+437	+435	

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+ North American Vertical Datum.

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

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Alton

Maps are available for inspection at 101 East Third Street, Alton, IL 62002.

City of Collinsville

Maps are available for inspection at 125 South Center Street, Collinsville, IL 62234.

City of Edwardsville

Maps are available for inspection at 118 Hillsboro Avenue, Edwardsville, IL 62025.

City of Granite City

Maps are available for inspection at 2000 Edison Avenue, Granite City, IL 62040.

City of Highland

Maps are available for inspection at 1115 Broadway, Highland, IL 62249–0218.

City of Madison

Maps are available for inspection at 615 Madison Avenue, Madison, IL 62060.

City of Venice

Maps are available for inspection at 1030 Market Street, Venice, IL 62090.

City of Wood River

Maps are available for inspection at 111 North Wood River Avenue, Wood River, IL 62095.

Unincorporated Areas of Madison County

Maps are available for inspection at 157 North Main Street, Edwardsville, IL 62025–1964.

Village of East Alton

Maps are available for inspection at 119 West Main Street, East Alton, IL 62024.

Village of Glen Carbon

Maps are available for inspection at 151 North Main Street, Glen Carbon, IL 62034.

Village of Godfrey

Maps are available for inspection at 6810 Godfrey Road, Godfrey, IL 62035.

Village of Hartford

Maps are available for inspection at 507 North Delmar Avenue, Hartford, IL 62048.

Village of Pontoon Beach

Maps are available for inspection at 1 Regency Parkway, Pontoon Beach, IL 62040.

Village of Roxana

Maps are available for inspection at 506 Reller Street, Roxana, IL 62084.

Village of South Roxana

Maps are available for inspection at 211 Sinclair Avenue, South Roxana, IL 62087.

Monroe County, Illinois, and Incorporated Areas

Carr Creek	From the confluence with the Mississippi River	+420	+418	Unincorporated Areas of Monroe County.
Kaskaskia River	To the downstream side of Bluff Road	+420	+418	Unincorporated Areas of Monroe County.
	From approximately 700 feet upstream of Anna Lane extended Monroe/Randolph County Boundary.	+395	+392	
	To approximately 1,000 feet below Peacock Site Road extended Monroe/St. Clair County Boundary.	+395	+393	City of Columbia, Unincorporated Areas of Monroe County, Village of Fults, Village of Valmeyer.
Mississippi River	From approximately 1,500 feet upstream of DuFrenne Ln (3.4 miles downstream of Monroe/Randolph County Boundary).	+401	+400	
	To approximately 1.8 miles upstream of the Interstate 255 Bridge (approximately 0.7 miles downstream of the Monroe/St.Clair County Boundary).	+421	+420	

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ADDRESSES

City of Columbia

Maps are available for inspection at Columbia City Hall, 208 South Rapp Avenue, Columbia, IL 62236.

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

Unincorporated Areas of Monroe County

Maps are available for inspection at Monroe County Courthouse, 100 South Main Street, Waterloo, IL 62298.

Village of Fults

Maps are available for inspection at Fults Village Hall, 160 Main Street, Fults, IL 62244.

Village of Valmeyer

Maps are available for inspection at Valmeyer Village Hall, 626 South Meyer Avenue, Valmeyer, IL 62295.

St. Mary Parish, Louisiana, and Incorporated Areas

Bayou Teche	At West Calumet Floodgate	+6	+8	Unincorporated Areas of St. Mary Parish, City of Franklin.
	At Oaklawn Bridge Rd	+8	+9	
Gulf of Mexico	Base Flood Elevation changes ranging from 8 to 14 feet in the form of Coastal AE zones have been made..	+8-19	+8-14	Unincorporated Areas of St. Mary Parish.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES**City of Franklin**

Maps are available for inspection at Franklin City Hall, 300 Iberia St., Franklin, LA 70538.

Unincorporated Areas of St. Mary Parish

Maps are available for inspection at St. Mary Parish Courthouse, 2nd Floor—Assessor's Office, 500 Main Street, Franklin, LA 70538.

Nassau County, New York, and Incorporated Areas

Atlantic Ocean	Approximately 100 feet north of the intersection of Washington Boulevard and West Bay Drive.	+6	+9	Town of Oyster Bay, City of Long Beach, Town of Hempstead, Village of Atlantic Beach.
	Approximately 1,500 feet south of the Jones Beach Causeway and Ocean Parkway traffic circle.	+13	+22	
Baldwin Bay	At the intersection of Eastern Parkway and South Drive.	+6	+8	Town of Hempstead, Village of Freeport.
	Approximately 1,100 feet east of the intersection of Milburn Avenue and Mildred Drive.	+8	+11	
Browseware Bay	At the intersection of Seawane Place and Seawane Drive.	None	+9	Town of Hempstead, Village of Hewlett Bay Park, Village of Hewlett Harbor, Village of Hewlett Neck, Village of Lawrence, Village of Woodsburgh.
	Approximately 800 feet south of the intersection of Bay Drive and Hickory Road.	+8	+13	
Cold Spring Harbor	At the end of Laurelton Beach Road	+12	+9	Village of Cove Neck, Town of Oyster Bay, Village of Laurel Hollow.
	Approximately 1,200 feet east of the intersection of Ridge Road and Laurel Hollow Road.	+13	+24	
East Bay	At the intersection of Shore Road and Horace Court ..	+6	+7	Town of Hempstead.
	Approximately 200 feet south of the end of Bay Drive	+8	+11	
Head of Bay	At the intersection of Bayswater Boulevard and Walnut Road.	+7	+11	Town of Hempstead, Village of Cedarhurst, Village of Valley Stream.
	At the intersection of Peninsula Boulevard and Longacre Avenue.	+7	+11	

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
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Hempstead Harbor	Approximately 175 feet north of the intersection of Lumber Road and Old Northern Boulevard.	+14	+11	Town of Hempstead, City of Glen Cove, Town of North Hempstead, Town of Oyster Bay, Village of Flower Hill, Village of Roslyn, Village of Roslyn Harbor, Village of Sands Point, Village of Sea Cliff.
Hewlett Bay (including Mill River, Powell Creek, Rockaway Creek).	Approximately 500 feet east of the intersection of Forest Drive and Lillian Court.	+18	+23	Town of Hempstead, Village of East Rockaway, Village of Hewlett Harbor, Village of Island Park, Village of Lynbrook, Village of Rockville Centre.
	At the intersection of Wateredge Azure Place and Heather Lane.	None	+9	
	Approximately 500 feet east of the intersection of Harbor Road and Channel Drive.	+8	+12	
Little Neck Bay	At the end of Pine Drive	+12	+10	Village of Great Neck Estates, Town of North Hempstead, Village of Kings Point, Village of Saddle Rock.
Long Island Sound	Approximately 500 feet west of the intersection of Greenleaf Hill Road and Grist Mill Lane.	+12	+25	Town of Oyster Bay, City of Glen Cove, Town of North Hempstead, Village of Bayville, Village of Centre Island, Village of Great Neck, Village of Great Neck Estates, Village of Kings Point, Village of Lattingtown, Village of Saddle Rock, Village of Sands Point.
	At the end of Bayville Avenue	+11	#1	
	Between Valley Road and Greenwich Avenue	+12	#2	
	At the intersection of Bayville Avenue and Adams Avenue.	+12	+9	Centre Island, Village of Great Neck, Village of Great Neck Estates, Village of Kings Point, Village of Lattingtown, Village of Saddle Rock, Village of Sands Point.
	At the end of Kings Point Road Extended	+16	+27	
Manhassatt Bay	At the intersection of Mill Pond and Pleasant Avenue	+12	+11	Town of North Hempstead, Village of Baxter Estates, Village of Great Neck, Village of Kensington, Village of Kings Point, Village of Manorhaven, Village of Plandome, Village of Plandome Heights, Village of Port Washington North, Village of Sands Point, Village of Thomaston.
Middle Bay	At the end of Dock Lane Extended	+16	+23	Town of Hempstead, Village of Freeport.
	At the intersection of Lawson Boulevard and Windsor Parkway.	+6	+8	
	Approximately 1,400 feet southwest of the intersection of Mildred Drive and Bertha Drive.	+9	+13	
Motts Creek	At a point approximately 1,234 feet downstream of Cochran Place.	+7	+11	Village of Valley Stream.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
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Oyster Bay	At a point approximately 40 feet downstream of Rock-away Avenue.	+10	+11	Village of Mill Neck, Town of Oyster Bay, Village of Bayville, Village of Centre Island, Village of Cove Neck, Village of Oyster Bay Cove.
	At the intersection of Maravilla Terrace and Miravista Road.	+12	+9	
Oyster Bay Harbor	Approximately 1,500 feet northeast of the intersection of Seawanhaka Road and Montecito Drive.	+15	+17	Village of Centre Island.
	Approximately 1,000 feet south of the intersection of Centre Island Road and Suzanne Drive.	+12	#1	
Reynolds Channel	Approximately 200 feet east of the intersection of Fitzroy Place and Baker Court.	+6	+8	Village of Lawrence, City of Long Beach, Town of Hempstead, Village of Atlantic Beach, Village of Island Park.
South Oyster Bay	Approximately 1,300 feet north of the intersection of Park Avenue and Ohio Avenue.	+7	+13	Town of Oyster Bay, Town of Hempstead, Village of Massapequa Park.
	At the intersection of Greatwater Avenue and Seagull Place.	+6	+7	
Valley Stream	Approximately 200 feet east of the intersection of Bayview Place and Ocean Avenue.	+8	+11	Village of Valley Stream.
	At a point approximately 95 feet downstream of Central Avenue.	+7	+11	
Wreck Lead Channel	At Sunrise Highway	+10	+11	Town of Hempstead, City of Long Beach, Village of Island Park.
	At the intersection of Lancaster Road and Radcliffe Road.	+6	+8	
	Approximately 500 feet southwest of the intersection of Brighton Boulevard and Island Parkway.	+7	+11	

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Glen Cove

Maps are available for inspection at Glen Cove City Hall, 9 Glen Street, Glen Cove, NY.

City of Long Beach

Maps are available for inspection at Long Beach City Hall, 1 West Chester Street, Long Beach, NY.

Town of Hempstead

Maps are available for inspection at Hempstead Town Hall, One Washington Street, Hempstead, NY.

Town of North Hempstead

Maps are available for inspection at North Hempstead Town Hall, 220 Plandome Road, Manhasset, NY.

Town of Oyster Bay

Maps are available for inspection at Oyster Bay Town Hall North, 74 Audry Avenue, Oyster Bay, NY.

Village of Atlantic Beach

Maps are available for inspection at Atlantic Beach Village Hall, 65 The Plaza, Atlantic Beach, NY.

Village of Baxter Estates

Maps are available for inspection at Baxter Estates Village Hall, 2 Harbor Road, Port Washington, NY.

Village of Bayville

Maps are available for inspection at Bayville Village Hall, 34 School Street, Bayville, NY.

Village of Cedarhurst

Maps are available for inspection at Cedarhurst Village Hall, 200 Cedarhurst Avenue, Cedarhurst, NY.

Village of Centre Island

Maps are available for inspection at Centre Island Village Hall, 303 Centre Island Road, Oyster Bay, NY.

Village of Cove Neck

Maps are available for inspection at Cove Neck Village Attorney's Office, 147 Forest Avenue, Locust Valley, NY.

Village of East Rockaway

Maps are available for inspection at East Rockaway Village Hall, 376 Atlantic Avenue, East Rockaway, NY.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Village of Flower Hill Maps are available for inspection at Flower Hill Village Hall, 1 Bonnie Heights Road, Manhasset, NY.				
Village of Freeport Maps are available for inspection at Freeport Village Hall, 46 North Ocean Avenue, Freeport, NY.				
Village of Great Neck Maps are available for inspection at Great Neck Village Hall, 61 Baker Mill Road, Great Neck, NY.				
Village of Great Neck Estates Maps are available for inspection at Great Neck Village Hall, 4 Gateway Drive, Great Neck, NY.				
Village of Hewlett Bay Park Maps are available for inspection at Hewlett Bay Park Village Hall, 30 Piermont Avenue, 11557, NY.				
Village of Hewlett Harbor Maps are available for inspection at Hewliitt Harbor Village Hall, 449 Pepperidge Road, Hewlett, NY.				
Village of Hewlett Neck Maps are available for inspection at Hewlett Neck Village Hall, 30 Piermont Avenue, Hewlett, NY.				
Village of Island Park Maps are available for inspection at Island Park Village Hall, 127 Long Beach Road, Island Park, NY.				
Village of Kensington Maps are available for inspection at Kensington Village Hall, 2 Nassau Drive, Great Neck, NY.				
Village of Kings Point Maps are available for inspection at Kings Point Village Hall, 32 Steppingstone Lane, Kings Point, NY.				
Village of Lattingtown Maps are available for inspection at Lattingtown Village Hall, 299 Lattingtown Road, Lattingtown, NY.				
Village of Laurel Hollow Maps are available for inspection at Laurel Hollow Village Hall, 1492 Laurel Hollow Road, Laurel Hollow, NY.				
Village of Lawrence Maps are available for inspection at Lawrence Village Hall, 196 Central Avenue, Lawrence, NY.				
Village of Lyn Brook Maps are available for inspection at Lynbrook Village Hall, 1 Columbus Drive, Lynbrook, NY.				
Village of Manorhaven Maps are available for inspection at Manorhaven Village Hall, 33 Manorhaven Boulevard, Manorhaven, NY.				
Village of Massapequa Park Maps are available for inspection at Massapequa Park Village Hall, 151 Front Street, Massapequa, NY.				
Village of Mill Neck Maps are available for inspection at Mill Neck Village Hall, 32 Frost Mill Road, Mill Neck, NY.				
Village of Oyster Bay Cove Maps are available for inspection at Oyster Bay Cove Village Hall, #25B-Route 25A, Oyster Bay, NY.				
Village of Plandome Maps are available for inspection at Plandome Village Hall, 65 South Drive, Plandome, NY.				
Village of Plandome Heights Maps are available for inspection at Plandome Heights Village Hall, 37 Orchard Street, Plandome Heights, NY.				
Village of Port Washington North Maps are available for inspection at Port Washington North Village Hall, 71 Old Shore Road, Port Washington, NY.				
Village of Rockville Centre Maps are available for inspection at Rockville Centre Village Hall, 1 College Place, Rockville Centre, NY.				
Village of Roslyn Maps are available for inspection at Roslyn Village Hall, 1200 Old Northern Boulevard, Roslyn, NY.				
Village of Roslyn Harbor Maps are available for inspection at Roslyn Harbor Village Hall, 500 Mottscove Road, Roslyn Harbor, NY.				
Village of Saddle Rock Maps are available for inspection at Saddle Rock Village Hall, 18 Masefield Way, Saddle Rock, NY.				
Village of Sands Point Maps are available for inspection at Sands Point Village Hall, 26 Tibbits Lane, Port Washington, NY.				
Village of Sea Cliff Maps are available for inspection at Sea Cliff Village Hall, 300 Sea Cliff Avenue, Sea Cliff, NY.				
Village of Thomaston Maps are available for inspection at Thomaston Village Hall, 100 East Shore Road, Great Neck, NY.				
Village of Valley Stream Maps are available for inspection at Valley Stream Village Hall, 123 South Central Avenue, Valley Stream, NY.				
Village of Woodsburgh Maps are available for inspection at Woodsburgh Village Hall, 30 Piermont Avenue, Hewlett, NY.				

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

Dated: August 8, 2008.

David I. Maurstad,

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

[FR Doc. E8-19008 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 204 and 252

RIN 0750-AF98

Defense Federal Acquisition Regulation Supplement; U.S.-International Atomic Energy Agency Additional Protocol (DFARS Case 2004-D003)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add a contract clause requiring a contractor to notify DoD if the contractor is required to report its activities under the U.S.-International Atomic Energy Agency Additional Protocol. The clause would be included in contracts for research and development or major defense acquisition programs involving fissionable materials, other radiological source materials, or technologies directly related to nuclear power production.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 17, 2008, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2004-D003, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- E-mail: dfars@osd.mil. Include DFARS Case 2004-D003 in the subject line of the message.
- Fax: 703-602-7887.
- Mail: Defense Acquisition Regulations System, Attn: Ms. Michele Peterson, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062.
- Hand Delivery/Courier: Defense Acquisition Regulations System, Crystal

Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202-3402.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, 703-602-0311.

SUPPLEMENTARY INFORMATION:

A. Background

Under the U.S.-International Atomic Energy Agency Additional Protocol (U.S.-IAEA AP), the United States is required to declare a wide range of public and private nuclear-related activities to the IAEA and potentially provide access to IAEA inspectors for verification purposes. The Department of Commerce published a proposed rule at 73 FR 43568 on July 25, 2008, to implement the U.S.-IAEA AP.

The U.S.-IAEA AP permits the United States unilaterally to declare exclusions from inspection requirements for activities with direct national security significance. This proposed rule contains a contract clause requiring a DoD contractor to notify the applicable DoD program manager if the contractor is required to report its activities under the U.S.-IAEA AP. Upon such a notification, DoD will determine if access may be granted to IAEA inspectors, or if a national security exclusion should be applied.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the proposed rule applies only to those DoD contractors involved in certain nuclear-related activities. The proposed rule provides for exceptions to inspection requirements that might otherwise apply to such contractors, if DoD determines that an exception is necessary in the interest of national security. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2004-D003.

C. Paperwork Reduction Act

This proposed rule contains a new information collection requirement. In compliance with 44 U.S.C. Chapter 35, DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

Title: Defense Federal Acquisition Regulation Supplement (DFARS); U.S.-International Atomic Energy Agency Additional Protocol.

Type of Request: New requirement.

Number of Respondents: 300.

Responses per Respondent: 1.

Annual Responses: 300.

Average Burden per Response: 1 hour.

Annual Burden Hours: 300.

Needs and Uses: DoD needs this information to provide for protection of information or activities with national security significance. DoD program managers will use the information to determine if IAEA inspectors may be granted access to a contractor's facility, or if a national security exclusion should be applied.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget (OMB), Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503, with a copy to the Defense Acquisition Regulations System, Attn: Ms. Michele Peterson, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

List of Subjects in 48 CFR Parts 204 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR parts 204 and 252 as follows:

1. The authority citation for 48 CFR parts 204 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Sections 204.470 through 204.470–3 are added to read as follows:

204.470 U.S.-International Atomic Energy Agency Additional Protocol.**204.470–1 General.**

Under the U.S.-International Atomic Energy Agency Additional Protocol (U.S.-IAEA AP), the United States is required to declare a wide range of public and private nuclear-related activities to the IAEA and potentially provide access to IAEA inspectors for verification purposes.

204.470–2 National security exclusion.

(a) The U.S.-IAEA AP permits the United States unilaterally to declare exclusions from inspection requirements for activities, or locations or information associated with such activities, with direct national security significance.

(b) In order to ensure that all relevant activities are reviewed for direct national security significance, both current and former activities, and associated locations or information, are to be considered for applicability for a national security exclusion.

(c) If a DoD program manager receives notification from a contractor that the contractor is required to report its activities in accordance with the U.S.-IAEA AP, the program manager will—

(1) Conduct a security assessment to determine if, and by what means, access may be granted to the IAEA; or

(2) Provide written justification to the component or agency treaty office for a national security exclusion, in accordance with DoD Instruction 2060 XX, Application of the National Security Exclusion to U.S.-IAEA Safeguards.

204.470–3 Contract clause.

Use the clause at 252.204–7XXX, Contractor Notification of Requirement to Report Activities Under the U.S.-International Atomic Energy Agency

Additional Protocol, in solicitations and contracts for research and development or major defense acquisition programs involving—

(a) Any fissionable materials (e.g., uranium, plutonium, neptunium, thorium, americium);

(b) Other radiological source materials; or

(c) Technologies directly related to nuclear power production, including nuclear or radiological waste materials.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.204–7XXX is added to read as follows:

252.204–7XXX Contractor Notification of Requirement to Report Activities Under the U.S.-International Atomic Energy Agency Additional Protocol.

As prescribed in 204.470–3, use the following clause:

CONTRACTOR NOTIFICATION OF REQUIREMENT TO REPORT ACTIVITIES UNDER THE U.S.-INTERNATIONAL ATOMIC ENERGY AGENCY ADDITIONAL PROTOCOL (XXX 2008)

(a) If the Contractor is required to report its activities in accordance with Department of Commerce regulations (15 CFR part 781 *et seq.*) or Nuclear Regulatory Commission regulations (10 CFR part 75) in order to implement the declarations required by the U.S.-International Atomic Energy Agency Additional Protocol (U.S.-IAEA AP), the Contractor shall—

(1) Immediately provide written notification to the following DoD Program Manager:

[Contracting Officer to insert Program Manager's name, mailing address, e-mail address, telephone number, and facsimile number];

(2) Include in the notification—

(i) Where the DoD contract activities or information are located relative to the activities or information to be declared to the Department of Commerce or the Nuclear Regulatory Commission; and

(ii) If or when any current or former DoD contract activities and the activities to be declared to the Department of Commerce or the Nuclear Regulatory Commission have been or will be co-located or located close enough to one another to result in disclosure of the DoD activities during an IAEA inspection or visit; and

(3) Provide a copy of the notification to the Contracting Officer.

(b) After receipt of a notification submitted in accordance with paragraph (a) of this clause, the DoD Program Manager will—

(1) Conduct a security assessment to determine if and by what means access may be granted to the IAEA; or

(2) Provide written justification to the component or agency treaty office for a national security exclusion, in accordance with DoD Instruction 2060 XX, Application of the National Security Exclusion to U.S.-IAEA Safeguards. DoD will notify the Contractor if a national security exclusion is applied.

(c) If the DoD Program Manager determines that a security assessment is required—

(1) DoD will, at a minimum—

(i) Notify the Contractor that DoD officials intend to conduct an assessment of vulnerabilities to IAEA inspections or visits;

(ii) Notify the Contractor of the time at which the assessment will be conducted, at least 30 days prior to the assessment;

(iii) Provide the Contractor with advance notice of the credentials of the DoD officials who will conduct the assessment; and

(iv) To the maximum extent practicable, conduct the assessment in a manner that does not impede or delay operations at the Contractor's facility; and

(2) The Contractor shall provide access to the site and shall cooperate with DoD officials in the assessment of vulnerabilities to IAEA inspections or visits.

(d) Following a security assessment of the Contractor's facility, DoD officials will notify the Contractor as to—

(1) Whether the Contractor's facility has any vulnerabilities where potentially declarable activities under the U.S.-IAEA AP are taking place;

(2) Whether additional security measures are needed; and

(3) Whether DoD will apply a national security exclusion.

(e) If DoD applies a national security exclusion, the Contractor shall not grant access to IAEA inspectors.

(f) If DoD does not apply a national security exclusion, the Contractor shall apply managed access to prevent disclosure of program activities, locations, or information in the U.S. declaration.

(g) The Contractor shall incorporate the substance of this clause, including this paragraph (g), in all subcontracts that are subject to the provisions of the U.S.-IAEA AP.

(End of clause)

[FR Doc. E8–19097 Filed 8–15–08; 8:45 am]

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Notices

Federal Register

Vol. 73, No. 160

Monday, August 18, 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

August 13, 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: Importation of Poultry Meat and Other Poultry Products from Sinaloa and Sonora, Mexico.

OMB Control Number: 0579-0144.

Summary of Collection: Veterinary Services, a program within USDA's Animal and Plant Health Inspection Service (APHIS), is responsible for administering regulations intended to prevent the introduction of animal diseases, such as exotic Newcastle disease (END) into the United States. APHIS currently has regulations in place that restrict the importation of poultry meat and other poultry products from Mexico due to the presence of exotic Newcastle disease in the country. However, APHIS does allow the importation of poultry meat and poultry products from the Mexican States of Sinaloa and Sonora because APHIS has determined that poultry meat and products from these two Mexican States pose a negligible risk of introducing exotic Newcastle disease into the United States. To ensure that these items are safe for importation, APHIS requires that certain data appear on the foreign meat inspection certificate that accompanies the poultry meat and other poultry products from Sinaloa and Sonora to the United States. APHIS also requires that serial numbered seals be applied to containers carrying the poultry meat and other poultry products.

Need and Use of the Information: APHIS will collect information to certify that the poultry meat or other poultry products were (1) derived from poultry born and raised in commercial breeding establishments in Sinaloa and Sonora; (2) derived from poultry that were slaughtered in Sinaloa or Sonora in a Federally-inspected slaughter plant approved to export these commodities to the United States in accordance with Food Safety & Inspection regulations; (3) processed at a Federally inspected processing plant in Sinaloa or Sonora; and (4) kept out of contact with poultry from any other State within Mexico. APHIS will also collect information to ensure that the poultry meat or poultry products from Sinaloa and Sonora pose the most negligible risk possible for

introducing exotic Newcastle disease into the United States.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 20.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 40.

Animal and Plant Health Inspection Service

Title: Poultry and Pork Products Transiting the United States.

OMB Control Number: 0579-0145.

Summary of Collection: The United States Department of Agriculture (USDA) and the Animal & Plant Health Inspection Service (APHIS) is responsible for controlling and eliminating domestic animal diseases such as brucellosis and scrapie, as well as preventing the introduction of exotic animal diseases such as hog cholera, exotic Newcastle disease (END) and other foreign diseases. Disease prevention is the most effective method for maintaining a healthy animal population and enhancing the United States' ability to compete in exporting animals and animal products. The regulations under which APHIS conducts disease prevention activities are contained in title 9, chapter D, parts 91 through 99 of the Code of Federal Regulations. APHIS has determined that fresh pork and pork products, as well as poultry carcasses, parts and products from Mexican States can transit the United States with minimal risk of introducing hog cholera or END. Allowing fresh pork and pork products as well as poultry carcasses, parts, and products from certain Mexican States to transit the United States necessitates the use of several information collection activities, which include the completion of an import permit application, the placement of serial numbered seals on product containers, and the forwarding of a written, pre-arrival notification to APHIS port personnel.

Need and Use of the Information: APHIS will collect information to ensure that fresh pork and pork products, as well as poultry carcasses, parts, and products transiting the United States from Mexico pose a negligible risk of introducing hog cholera and END into the United States. APHIS will also collect the name, address of the exporter, the origin and destination points of entry, the date of transportation, the method and route of

shipment, the time and date the items are expected to arrive at the port, how long the items are expected to be in the United States, the permit number of the shipment, and the serial numbers of the seals on the shipment containers. If the information is not collected, it would make disease incursion event much more likely, with potentially devastating effects on the U.S. swine and poultry industries.

Description of Respondents: Business or other for-profit; farm; individual or households; not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 22.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 279.

Animal and Plant Health Inspection Service

Title: Foot-and-Mouth Disease; Prohibition on Importation of Farm Equipment.

OMB Control Number: 0579-0195.

Summary of Collection: Regulations contained in 9 CFR parts 92 through 98 prohibits the importation of used farm equipment into the United States from regions in which foot-and-mouth disease or rinderpest exist, unless the equipment has been steam-cleaned prior to export to the United States so that it is free of exposed dirt and other particulate matter. Disease prevention is the most effective method for maintaining a healthy animal population and enhancing the Animal and Plant Health Inspection Service (APHIS) ability to compete in exporting animals and animal products.

Need and Use of the Information: APHIS will collect information through the use of a certification statement in which the exporter states that the cleaning of the equipment has been done. This is necessary to help prevent the introduction of foot-and-mouth disease into the United States. If the information were not collected APHIS would be forced to discontinue the importation of any used farm equipment from FMD regions, a development that could have a damaging financial impact on exporters and importers of this equipment.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 1,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,000.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E8-19092 Filed 8-15-08; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0087]

Notice of Request for Approval of an Information Collection; Integrated Survey Information System

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of an information collection associated with the Integrated Survey Information System.

DATES: We will consider all comments that we receive on or before October 17, 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-2008-0087> 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-2008-0087, 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-2008-0087.

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: For information on the Integrated Survey Information System, contact Valerie DeFeo, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737; (301) 734-3393. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS* Information Collection Coordinator, at (301) 851-2908.

SUPPLEMENTARY INFORMATION:

Title: Integrated Survey Information System.

OMB Number: 0579-xxxx.

Type of Request: Approval of a new information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture, either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests and noxious weeds that are new to or not widely distributed within the United States. This authority has been delegated to the Administrator, Animal and Plant Health Inspection Service (APHIS).

As part of this mission, the Plant Protection and Quarantine (PPQ) program, APHIS, has designed a data management system by integrating existing systems focused on core program functions to maximize PPQ's ability to respond to plant health emergencies. This Plant Health Information System (PHIS) provides APHIS a comprehensive plant health data management system capable of supporting the mission of safeguarding U.S. agriculture. The Integrated Survey Information System (ISIS) is one of PHIS' core components. ISIS is a web-enabled and seamlessly integrated survey tool for timely or "real-time" collection and storage of data concerning plant pests, easily merged into a geographic information system mapping and analysis tool and available to key regulatory partners and stakeholders. Flexibility within ISIS allows for transfer of summary data to public sites, including PPQ's National Agricultural Pest Information System. Individual States and PPQ utilize ISIS to conduct surveys, to detect and measure the presence of plant pests, and to generate reports which may be used for operational decisionmaking when responding to plant pest problems. As part of ISIS information collection activities, PPQ and States use PPQ form 391, "Specimens for Determination," to submit samples for pest identification.

We are asking the Office of Management and Budget (OMB) to

approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(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 our estimate of the burden of the information collection, 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 information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.25 hours per response.

Respondents: State plant health regulatory officials.

Estimated annual number of respondents: 470.

Estimated annual number of responses per respondent: 39.361702.

Estimated annual number of responses: 18,500.

Estimated total annual burden on respondents: 4,625 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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.

Done in Washington, DC, this 12th day of August 2008.

Cindy Smith,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8-19090 Filed 8-15-08; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0084]

Notice of Availability of a Pest Risk Analysis for Importation of Fresh White Asparagus From Senegal Into the Continental 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 continental United States of fresh white asparagus from Senegal. 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 fresh white asparagus from Senegal. 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 October 17, 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-2008-0084> 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-2008-0084, 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-2008-0084.

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: Ms. Shirley Wager Pagé, Branch Chief,

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 Senegal to allow the importation of fresh asparagus from Senegal into the continental 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 fresh white asparagus to mitigate the pest risk. We have concluded that fresh white asparagus can be safely imported into the

continental United States from Senegal 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 fresh white asparagus from Senegal 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 fresh white asparagus from Senegal into the continental 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 12th day of August, 2008.

Cindy Smith,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–19093 Filed 8–15–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2008–0029]

National Advisory Committee on Meat and Poultry Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the National Advisory Committee on Meat and Poultry Inspection (NACMPI) will hold a public meeting on August 27–28, 2008, to review and discuss international equivalence and the approach to verifying the equivalence of foreign food regulatory systems as the

means of ensuring the safety of imported food products. The meeting will include discussion of four major perspectives. First, a U.S. government perspective will be presented on the FSIS strategy and the Food and Drug Administration (FDA) approach. Second, an industry perspective will be presented. Third, a consumer approach will be presented, and finally, the approaches by several foreign governments will be presented and discussed.

All issues will be presented to the full Committee. The Committee will then divide into two subcommittees to discuss the issues. Each subcommittee will provide a report of their comments and recommendations to the full Committee before the meeting concludes on August 28, 2008.

DATES: The Committee will hold a public meeting on Wednesday, August 27, 2008, from 8:30 a.m. to 6 p.m., and Thursday, August 28, 2008, from 8:30 a.m. to 3 p.m. The subcommittees will hold open meetings during their deliberations and report preparation.

ADDRESSES: The meetings will take place at the South Building Cafeteria, U.S. Department of Agriculture (USDA), 14th & Independence Avenue, SW., Washington, DC 20250. Non-USDA employees must enter through wing 2, located on 12th and C Street, SW. The meeting agenda is available on the Internet at the NACMPI Web site, http://www.fsis.usda.gov/about_fsis/nacmpi/index.asp.

The NACMPI meeting agenda, together with information and resource materials on public health-based inspection, is also available on the Internet at http://www.fsis.usda.gov/regulations_&_policies/Public_Health_Based_Inspection/index.asp.

FSIS welcomes comments through September 29 on the topics discussed at the NACMPI public meeting. Comments may be submitted by any of the following methods:

- *Electronic mail:* NACMPI@fsis.usda.gov.
- *Mail, including floppy disks or CD-ROMs:* Send to National Advisory Committee on Meat and Poultry Inspection, USDA, FSIS, 14th & Independence Avenue, SW., Room 1180, South Building, Washington, DC 20250.
- *Hand- or courier-delivered items:* Deliver to Faye Smith at 14th & Independence Avenue, SW., Room 1180–S, Washington, DC. To deliver these items, the building security guard must first call (202) 720–9113.
- *Facsimile:* Send to Faye Smith, (202) 720–5704. All submissions

received must include the Agency name and docket number FSIS–2008–0029.

FOR FURTHER INFORMATION: Contact Keith Payne for technical information at (202) 690–6522, or e-mail

keith.payne@fsis.usda.gov, and Faye Smith for meeting information at (202) 720–9113, Fax (202) 720–5704, or e-mail faye.smith@fsis.usda.gov. Persons requiring a sign language interpreter or other special accommodations should notify Faye Smith at the numbers above or by e-mail.

SUPPLEMENTARY INFORMATION:

Background

The NACMPI provides advice and recommendations to the Secretary of Agriculture pertaining to the Federal and State meat and poultry inspection programs, pursuant to sections 7(c), 24, 205, 301(a)(3), 301(a)(4), and 301(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c), 624, 645, 661(a)(3), 661(a)(4), and 661(c)) and sections 5(a)(3), 5(a)(4), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act (21 U.S.C. 454(a)(3), 454(a)(4), 454(c), 457(b), and 460(e)).

The Administrator of FSIS is the chairperson of the Committee. Membership of the Committee is drawn from representatives of consumer groups; producers, processors, and marketers from the meat, poultry and egg product industries; State and local government officials; and academia. The current members of the NACMPI are: Ms. Kibbe M. Conti, Northern Plains Nutrition Consulting, Rapid City, SD; Mr. Brian R. Covington, Keystone Foods LLC, West Conshohocken, PA; Dr. Catherine N. Cutter, Pennsylvania State University, University Park, PA; Dr. James S. Dickson, Iowa State University, Ames, IA; Mr. Kevin M. Elfering, Albuquerque, NM; Mr. Mike W. Finnegan, Montana Meat & Poultry Inspection Bureau, Helena, MT; Ms. Carol Tucker Foreman, Consumer Federation of America, Chevy Chase, MD; Dr. Andrea L. Grondahl, North Dakota Department of Agriculture, Bismarck, ND; Dr. Joseph J. Harris, Southwest Meat Association, Bryan, TX; Dr. Craig W. Henry, Food Products Association, Washington, DC; Ms. Cheryl D. Jones, Morehouse School of Medicine, Atlanta, GA; Mr. Michael E. Kowalczyk, DunnhumbyUSA LLC, Cincinnati, OH; Dr. Shelton E. Murinda, California State Polytechnic University, Pomona, CA; Dr. Edna Negron-Bravo, University of Puerto Rico, Mayaguez, PR; Dr. Michael L. Rybolt, National Turkey Federation, Washington, DC; Mr. Mark P. Schad, Schad Meats, Inc., Cincinnati, OH; and Dr. Stanley A.

Stromberg, Oklahoma Department of Agriculture, Food, and Forestry, Oklahoma City, OK.

The Committee will review materials and provide comments and recommendations concerning FSIS's approach for verifying equivalence of foreign inspection systems. This system consists of (1) determining equivalence of laws, regulations, and government controls, (2) audits of foreign inspection systems, and (3) port-of-entry (POE) reinspection of imported product.

Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, equivalence is the foundation for imports and has become a condition of trade between two countries. Equivalence recognizes that an exporting country can provide an appropriate level of food safety and public health protection, even if their sanitary measures are different from those applied by the U.S. Once a country is determined to have a system equivalent to the U.S., that country is then responsible for maintaining the entire system's equivalence while exporting to the U.S. FSIS verifies that the country maintains equivalence through audits of foreign inspection systems. These audits include on-site visits by FSIS personnel of certified establishments and approved laboratories, and FSIS review of government controls. The final audit reports of these countries are posted on the FSIS Web site.

Finally, the last part of verifying the continuing equivalence of foreign systems is through re-inspection of products at the U.S. border. Every shipment of meat, poultry, or egg products that enters the U.S. must be presented to an FSIS inspector at one of the approximately 140 official FSIS import establishments strategically located at major ocean ports of entry and land border crossings. It is here that the initial checks for proper documentation, transportation damage, and proper labeling are conducted. In addition to the initial re-inspection of product entering the U.S., FSIS performs random re-inspection on approximately 10 percent of the shipments of meat, poultry, and egg products. These re-inspection tasks include, for example, product examinations, microbiological analysis for pathogens, and/or a test for chemical residues. Acceptable products or the documents are marked as "Inspected and Passed" and the product is released into commerce. Non-compliant products are rejected, marked as "Refused Entry," and either destroyed or exported from the U.S. More intensive re-inspection is automatically applied to future

shipments of product from the foreign establishment that produced the product that failed re-inspection.

If a country does not implement an FSIS requirement or equivalent sanitary measure, or fails an audit, or POE re-inspection identifies serious problems, FSIS can, and has in the past, suspend imports from that country or individual plants within the country, or suspend specific products from the country.

All interested parties are welcome to attend the meetings and to submit written comments and suggestions concerning issues the Committee will review and discuss. The comments and the official transcript of the meeting, when they become available, will be kept in the FSIS Docket Room, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue, SW., Room 2534, South Building, Washington, DC 20250, and posted on the Agency's NACMPI Web site, http://www.fsis.usda.gov/about_fsis/nacmpi/index.asp.

Members of the public will be required to register before entering the meeting.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at http://www.fsis.usda.gov/regulations/2008_Notices_Index/.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The Update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at <http://www.fsis.usda.gov/>

[news_and_events/email_subscription/](#). Options range from recalls, export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on August 12, 2008.

Alfred V. Almanza,
Administrator.

[FR Doc. E8-19041 Filed 8-13-08; 11:15 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety Inspection Service

[Docket No. FSIS 2008-0024]

Nominations for Membership on the National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service (FSIS), USDA.

ACTION: Notice.

SUMMARY: This notice announces that the U.S. Department of Agriculture (USDA) is soliciting nominations for membership on the National Advisory Committee on Microbiological Criteria for Foods (NACMCF). Nominations for membership are being sought from individuals with scientific expertise in the fields of epidemiology, food technology, microbiology (food, clinical, and predictive), risk assessment, infectious disease, biostatistics, and other related sciences. Persons from the Federal government, State governments, industry, consumer groups, and academia, as well as all other interested persons, are invited to submit nominations. Members who are not federal government employees will be appointed to serve as non-compensated special government employees (SGEs). SGEs will be subject to appropriate conflict of interest statutes and standards of ethical conduct.

The nominee's typed resume or curriculum vitae must be limited to five one-sided pages and should include educational background, expertise, and a select list of publications. For submissions received that are more than five one-sided pages in length, only the first five pages will be considered.

DATES: The nominee's typed resume or curriculum vitae must be received by September 17, 2008.

ADDRESSES: Nominations can be sent by mail, fax, or e-mail to Ms. Karen Thomas-Sharp, Advisory Committee Specialist, USDA, Food Safety and Inspection Service, Room 333

Aerospace Center, 1400 Independence Avenue, SW., Washington, DC 20250–3700, fax number: 202–690–6634, e-mail address: Karen.Thomas-Sharp@fsis.usda.gov. Please note, if using an overnight courier use this address: USDA, FSIS, OPHS, Aerospace Center, 901 D Street, SW., Room 378, Washington, DC 20024.

FSIS invites interested persons to submit comments on this notice. Comments may be submitted by any of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. FSIS prefers to receive comments through the Federal eRulemaking portal. Go to <http://www.regulations.gov> and, in the “Search for Open Regulations” box, select “Food Safety and Inspection Service” from the agency drop-down menu, then click on “Submit.” In the Docket ID column, select the FDMS Docket Number FSIS–2008–0024 to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the “Advanced Search” function in Regulations.gov.

Mail, including floppy disks or CD-ROMs, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, FSIS Docket Room, 1400 Independence Avenue, SW., Room 2534, Washington, DC 20250.

All submissions received must include the Agency name and docket number FSIS–2008–0024.

All comments submitted in response to this notice, as well as research and background information used by FSIS in developing this document, will be posted to the regulations.gov Web site. The background information and comments also will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Thomas-Sharp, Advisory Committee Specialist, at the above address or by telephone at 202–690–6620 or by fax at 202–690–6634.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in March 1988, in response to a recommendation in a 1985 report of the National Academy of Sciences Committee on Food Protection,

Subcommittee on Microbiological Criteria, “An Evaluation of the Role of Microbiological Criteria for Foods.” The current charter for the NACMCF and other information about the Committee are available for viewing on the NACMCF homepage at http://www.fsis.usda.gov/About_Fsis/NACMCF/index.asp.

The Committee provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed. For example, the Committee assists in the development of criteria for microorganisms that indicate whether food has been processed using good manufacturing practices.

Appointments to the Committee will be made by the Secretary of Agriculture after consultation with the Secretary of Health and Human Services to ensure that recommendations made by the Committee take into account the needs of the diverse groups served by the Department. Membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Given the complexity of issues, the full Committee expects to meet at least once yearly, and the meetings will be announced in the **Federal Register**. The subcommittees will meet as deemed necessary by the chairperson and will be held as working group meetings in an open public forum. The subcommittee meetings will not be announced in the **Federal Register**. FSIS will announce the agenda and subcommittee working group meetings through the Constituent Update, available on-line at http://www.fsis.usda.gov/News_&_Events/2008_Constituent_Update/index.asp. NACMCF holds subcommittee working group meetings in order to accomplish the work of NACMCF; all work accomplished by the subcommittees is reviewed and approved by the full Committee during a public meeting of the full Committee, as announced in the **Federal Register**. The subcommittee may invite technical experts to present information for consideration by the subcommittee. All data and records available to the full Committee are expected to be available to the public at the time the full Committee reviews and approves the work of the subcommittee.

Appointment to the Advisory Committee is for a two-year term, renewable for a total of three consecutive terms. Members are expected to attend all meetings in-person as this is necessary for the

functioning of this advisory committee. But we realize that unexpected events or extenuating circumstances (e.g., a personal or family emergency) may result in a member's inability to attend a meeting in-person, and that attendance through teleconferencing may be necessary. Since this has been a less than optimal means to contribute to the work of the committee, members should make efforts to attend all meetings to the extent that this is possible. In-person attendance is expected but is not a requirement.

Members must be prepared to work outside of scheduled Committee and subcommittee meetings, and may be required to assist in document preparation. Committee members serve on a voluntary basis; however, travel reimbursement and per diem are available.

Regarding Nominees Who Are Selected

All nominees who are selected must submit a USDA Advisory Committee Membership Background Information form AD–755, available on-line at: <http://www.fsis.usda.gov/FSISForms/AD-755.pdf>.

As new appointees, SGEs must complete the Office of Government Ethics (OGE) 450 Confidential Financial Disclosure Report, before rendering any advice, or prior to their first meeting. All members will be reviewed for conflict of interest pursuant to 18 U.S.C. 208 in relation to specific NACMCF work charges. Financial disclosure updates will be required annually. Members must report any changes in financial holdings requiring additional disclosure. OGE 450 forms are available on-line at: http://www.usoge.gov/pages/forms_pubs_otherdocs/fpo_files/forms/fr450fill_04.pdf.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at http://www.fsis.usda.gov/regulations/2008_Notices_Index/.

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industry, trade and farm groups, consumer interest groups, allied health professionals and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at http://www.fsis.usda.gov/news_and_events/email_subscription/. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC, on August 12, 2008.

Alfred V. Almanza,
Administrator.

[FR Doc. E8-19043 Filed 8-15-08; 8:45 am]

BILLING CODE 3410-DM-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act, that a day-long briefing meeting before a subcommittee of the Pennsylvania State Advisory Committee of the U.S. Commission on Civil Rights will convene at 9:30 a.m. on Monday, September 8, 2008, at the Monroe County Administrative Center, 1 Quaker Plaza, Room 203, Stroudsburg, Pennsylvania 19360.

The purpose of this meeting is to receive presentations from experts on civil rights matters in Monroe County, PA.

Members of the public are entitled to submit written comments; the comments must be received in the Eastern Regional Office by September 22, 2008. The address is 624 Ninth Street, NW., Washington, DC 20425. Persons wishing to e-mail their comments, or who desire additional information should contact Alfreda Greene, Secretary, 202-376-7533, TTY 202-376-8116 or by e-mail: agreene@usccr.gov.

Hearing impaired persons who will attend the meeting and require the service of a sign language interpreter should contact the Regional Office at

least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, <http://www.usccr.gov>, or to contact the Eastern Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and the Federal Advisory Committee Act.

Dated in Washington, DC, August 12, 2008.

Christopher Byrnes,

Chief, Regional Programs Coordination Unit.

[FR Doc. E8-18979 Filed 8-15-08; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Current Industrial Reports

Program.

OMB Control Number: 0607-0476.

Form Number(s): Various.

Type of Request: Revision of a currently approved collection.

Burden Hours: 28,131.

Number of Respondents: 19,728.

Average Hours Per Response: 42 minutes.

Needs and Uses: The U.S. Census Bureau conducts a series of monthly, quarterly, and annual surveys as part of the Current Industrial Reports (CIR) Program. The CIR surveys request primarily the quantity and value of shipments of particular products and occasionally data on production and inventories; unfilled orders, receipts, stocks, and consumption; and comparative data on domestic production, exports, and imports of the products they cover.

Previously, the CIR surveys were divided into three separate waves and submitted separately for OMB review. Due to the reduced number of surveys in the CIR Program, the CIR surveys are being combined into one wave. During the economic census years, in the years ending in 2 and 7 all voluntary annual surveys are made mandatory.

Primary users of these data are government and regulatory agencies, business firms, trade associations, and private research and consulting organizations. The Federal Reserve Board (FRB) uses CIR data in its monthly index of industrial production as well as its annual revision to the index. The Bureau of Economic Analysis (BEA) and the Bureau of Labor Statistics (BLS) use the CIR data in the estimate of components of gross domestic product (GDP) and the estimate of output for productivity analysis, respectively. Many government agencies, such as the Department of Agriculture, Food and Drug Administration, Department of Energy, Federal Aviation Administration, BEA, and International Trade Administration use the data for industrial analysis, projections, and monitoring import penetration. Private business firms and organizations use the data for trend projections, market analysis, product planning, and other economic and business-oriented analysis. Since the CIR program is the sole, consistent source of information regarding specific manufactured products in the intercensal years, the absence thereof would severely hinder the Federal Government's ability to measure and monitor important segments of the domestic economy, as well as the effect of import penetration.

Affected Public: Business or other for-profit organizations.

Frequency: Monthly, quarterly, and annually.

Respondent's Obligation: Voluntary and mandatory, depending on the survey.

Legal Authority: Title 13, United States Code, Sections 61, 81, 131, 182, 224, and 225.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail (bharrisk@omb.eop.gov).

Dated: August 13, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-19058 Filed 8-15-08; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Business R&D and Innovation Survey.

OMB Control Number: 0607-0912.

Form Number(s): BRDI-1, BRDI-1A.

Type of Request: Revision of a currently approved collection.

Burden Hours: 155,450.

Number of Respondents: 40,000.

Average Hours Per Response: 3 hours and 53 minutes.

Needs and Uses: The National Science Foundation's (NSF) Division of Science Resources Statistics (SRS) and the U.S. Census Bureau's Economic Directorate have been engaged in a significant redesign of the Survey of Industrial Research and Development. To better understand how research and development (R&D) is actually conducted in today's innovative and global based economy, NSF has done extensive background work, starting with the Committee on National Statistics' Report *Measuring Research and Development Expenditures in the U.S. Economy*. NSF has hosted numerous meetings/workshops with external data users both in the federal government and private sector, and has conducted a number of recordkeeping visits to companies to understand what is collectable. To better understand the issues in the present survey, NSF has done extensive review of both the statistical and subject matter aspects of it. Current plans for the redesigned survey call for five core sections, which will comprise the fixed elements. NSF and the Census Bureau have conducted four rounds of cognitive interviews to test the new content, and a final round of testing on the entire questionnaire will be conducted in July and August 2008. Results from these interviews have been included in a generic clearance submitted by Census. In order for the new data to be included, and actually be the centerpiece of the

National Science Board's *Science and Engineering Indicators*: 2012 report, NSF has required delivery of results from the redesigned survey in December 2010. To ensure this delivery, there are a number of groups composed of Census Bureau and SRS staff that have been working on components of the redesigned survey, such as; content testing, instrument development, frame creation, and sampling, edit, imputation and estimation methodologies as well as tabulation design and data dissemination. In addition, NSF is consulting with Dr. Donald Dillman of Washington State University, a noted survey methodology expert and scholar, on best approaches to the extensive questionnaire redesign and methods of response.

The result of this redesign will be a substantially new survey, and to emphasize that fact a new name has been selected, the Business R&D and Innovation Survey (BRDIS). This name was selected not only to highlight the emergence of the new survey, but also to emphasize that the survey covers the R&D and innovation activities of service as well as manufacturing companies. The 2008 BRDIS is being conducted as a pilot of the new survey, hence the possibility of releasing two years worth of data as reflected in the project schedule (section 16). Results from the 2008 BRDIS will be evaluated and may bring about changes for the 2009 BRDIS.

The National Science Foundation Act of 1950 as amended authorizes and directs NSF " * * * to provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies of the Federal government." The SIRD has been and the new BRDIS will be the vehicle with which NSF carries out the business portion of this mandate. NSF together with the Census Bureau, the collecting and compiling agent, analyze the data and publish the resulting statistics.

Companies are the major performers of R&D in the United States, accounting for over 70 percent of total U.S. R&D outlays each year. A consistent business R&D information base is essential to government officials formulating public policy, industry personnel involved in corporate planning, and members of the academic community conducting research. To develop policies designed to promote and enhance science and technology, past trends and the present status of R&D and innovation must be evaluated. The survey, as now designed, will be the platform through which data on innovation activities in the business

sector will be collected. Without comprehensive business R&D statistics, it would be impossible to evaluate the health of science and technology in the United States or to make comparisons between the technological progress of our country and that of other nations.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Section 182; National Science Foundation Act of 1950.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail (bharrisk@omb.eop.gov).

Dated: August 13, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-19059 Filed 8-15-08; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 45-2008]

Foreign-Trade Zone 72 Indianapolis, IN, Application for Subzone Status, GETRAG Transmission Manufacturing LLC (Automotive Transmissions)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indianapolis Airport Authority, grantee of FTZ 72, requesting special-purpose subzone status for the automotive transmission manufacturing plant of GETRAG Transmission Manufacturing LLC (GETRAG), located in Tipton, Indiana. 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 August 8, 2008.

The GETRAG facility (up to 1,170 employees/103 acres/891,000 sq.ft.) is located at 5880 State Road 28 in Tipton

(Tipton County), Indiana, about 50 miles north of Indianapolis. The plant, currently under construction, will be used to produce dual-clutch transmissions for automobiles and light trucks (up to 700,000 units annually) for export and the domestic market. The manufacturing process at the facility involves machining, assembly, welding, and testing using domestic and foreign-origin inputs. Components that would be purchased from abroad (representing about 52% of total, by value) to be used in manufacturing include: bearings, differentials, gear sets, clutch assemblies and supports, electric control modules, oil pumps and gears, solenoids, fasteners, lever assemblies, rod assemblies, pawls, retainers, springs, retainers, bushings, articles of plastics, seals, gear oil, grease, and adhesives (duty rate range: free 5.8%, 84¢/bbl.).

FTZ procedures would exempt GETRAG from customs duty payments on the foreign components used in export transmission production. On domestic shipments transferred in-bond to U.S. automobile assembly plants with subzone status, no duties would be paid on the foreign transmission components used in automobile and light truck production until the finished motor vehicles are entered for consumption, at which time the finished automobile duty rate (2.5%) could be applied to the foreign-origin components noted above. For the transmissions withdrawn directly by GETRAG for customs entry, the finished transmission rate (2.5%) could be applied to the foreign inputs. Customs duties also could possibly be deferred or reduced on foreign status production equipment. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness. In accordance with the Board's regulations, Pierre Duy 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 October 17, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 3, 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, Suite 106, 11405 N. Pennsylvania Street, Carmel, Indiana 46032; and, Office of the Executive Secretary, Foreign-Trade

Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230-0002. For further information, contact Pierre Duy at pierre_duy@ita.doc.gov, or (202) 482-1378.

Dated: August 8, 2008.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8-19100 Filed 8-15-08; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Washington University

Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 2104, U.S. Department of Commerce, 14th and Constitution Ave, NW, Washington, D.C.

Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instrument described below, for such purposes as the instrument is intended to be used, that was being manufactured in the United States at the time of its order.

Docket Number: 08-018. Applicant: Washington University, St. Louis, MO 63130. Instrument: Modular Hot Cell - COMECER Model MIP1-1P-1350. Manufacturer: COMECER, Italy. Intended Use: See notice at 73 FR 30377, May 27, 2008. Reasons: The instrument has a sealed system for isotope work which is separated from the shielded door, which allows for the opening of the door for training purposes without compromising the work area air quality. The separate shield and door design also insures that the door is not contaminated, and thus, the user can open the door to survey the hot cell for radioactivity without the risk of contamination to the user and trainees. This safety feature is specific to this instrument and not available from other U.S. manufacturers.

Dated: August 12, 2008.

Faye Robinson,

Director.

Statutory Import Programs Staff Import Administration.

[FR Doc. E8-19098 Filed 8-15-08; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-919]

Electrolytic Manganese Dioxide From the People's Republic of China: Final Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 18, 2008.

SUMMARY: On March 26, 2008, the Department of Commerce (the "Department") published its preliminary determination of sales at less than fair value ("LTFV") in the antidumping ("AD") investigation of electrolytic manganese dioxide ("EMD") from the People's Republic of China ("PRC"). The period of investigation ("POI") is January 1, 2007, through June 30, 2007. We invited interested parties to comment on our preliminary determination of sales at LTFV. Based on our analysis of the comments we received, we have made changes to our calculations for the mandatory respondent. We determine that EMD from the PRC is being, or is likely to be, sold in the United States at LTFV as provided in section 735 of the Tariff Act of 1930, as amended ("the Act"). The estimated margins of sales at LTFV are shown in the "Final Determination Margins" section of this notice.

FOR FURTHER INFORMATION CONTACT: Eugene Degnan or Robert Bolling, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0414 or (202) 482-3434, respectively.

SUPPLEMENTARY INFORMATION:

Case History

The Department published its preliminary determination of sales at LTFV on

March 26, 2008. See *Electrolytic Manganese Dioxide from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 15988 (March 26,

2008) (“*Preliminary Determination*”). Between April 21 and April 25, 2008, the Department conducted verification of Guizhou Redstar Developing Import and Export Company, Ltd. (“Redstar”). See Verification of the Sales and Factors Response of Redstar in the Antidumping Investigation of Electrolytic Manganese Dioxide from the People’s Republic of China, dated June 24, 2008 (“Redstar Verification Report”). See also the “Verification” section below for additional information.

We invited interested parties to comment on the *Preliminary Determination*. On May 22, 2008, multiple interested parties filed case briefs with respect to the scope of this AD and the concurrent countervailing duty (“CVD”) proceeding. On May 27, 2008, many of these same parties filed rebuttal comments regarding the scope of these two proceedings. In addition, on May 27, 2008, multiple interested parties filed case briefs with respect to issues specific to the AD proceeding. These same parties filed rebuttal briefs on June 2, 2008. The Department held two hearings on June 12, 2008, one solely related to the scope of the AD and CVD proceedings and the second to address issues related solely to the AD investigation.

Period of Investigation

The period of investigation (“POI”) is January 1, 2007, through June 30, 2007. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, which was September 2007.¹

Scope of Investigation

The merchandise covered by this investigation includes all manganese dioxide (MnO₂) that has been manufactured in an electrolysis process, whether in powder, chip, or plate form. Excluded from the scope are natural manganese dioxide (NMD) and chemical manganese dioxide (CMD). The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheading 2820.10.00.00. While the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Verification

As provided in section 782(i) of the Act, we verified the information submitted by Redstar for use in our final determination. See the Redstar Verification Report on the record of this

investigation in the Central Records Unit (“CRU”), Room 1117 of the main Department building. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the Issues and Decision Memorandum for the Antidumping Duty Investigation of Electrolytic Manganese Dioxide from the People’s Republic of China, dated concurrently with this notice and, which is hereby adopted by this notice (“Issues and Decision Memorandum”). A list of the issues which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file in the CRU, and is accessible on the Web at ia.ita.doc.gov/frn. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of information on the record of this investigation, we have made changes to the margin calculations for the final determination for all mandatory respondents.

General Issues

Based on an analysis of comments received, and the update of the PRC wage rate, the Department has made certain changes in the margin calculations. For the final determination, the Department has made the following changes with respect to Redstar:

- The Department is valuing the inputs manganese carbonate ore and manganese oxide ore using the publicly available price list from Manganese Ore India Ltd.’s (“MOIL”) website, and adjusting the value to account for the percentage of manganese content. See Electrolytic Manganese Dioxide from the People’s Republic of China: Surrogate Value Memorandum for the Final Determination (August 8, 2008) (“Surrogate Value Memo”); Issues and Decisions Memo at Comment 2.
- The Department is using the financial statements of MOIL to calculate the surrogate financial ratios. The Department is basing the overhead and profit on the EMD division of MOIL, and the selling,

general and administrative expenses ratio on the entire consolidated statements of MOIL. See Surrogate Value Memo; Issues and Decision Memorandum at Comment 3.

- The Department is valuing all steam used in the production of EMD, including that steam derived as a by-product from production of merchandise not under investigation. Electrolytic Manganese Dioxide from the People’s Republic of China: Analysis Memorandum for the Final Determination (August 8, 2008) (“Analysis Memo”); Issues and Decision Memorandum at Comment 4.
- The Department is using the Maharashtra Industrial Development Corporation (“MIDC”) updated water tariff schedule, effective June 1, 2007, to value water. See Surrogate Value Memo; Issues and Decision Memorandum at Comment 6.
- The Department is valuing Redstar’s coal using TERI data for grade C steam coal. See Surrogate Value Memo; Issues and Decision Memorandum at Comment 9.
- The Department is valuing labor using its revised labor rates published May 14, 2008. See Surrogate Value Memo; Issues and Decision Memorandum at Comment 10.
- The Department is including in its calculation of normal value (“NV”) the electricity consumed by lighting and appliances in Redstar’s workshops. See Analysis Memo; Issues and Decision Memorandum at Comment 11.

Surrogate Country

In the *Preliminary Determination*, we stated that we had selected India as the appropriate surrogate country to use in this investigation for the following reasons: (1) it is a significant producer of comparable merchandise; (2) it is at a similar level of economic development comparable to that of the PRC; and (3) we have reliable data from India that we can use to value the factors of production. See *Preliminary Determination*. For the final determination, we received no comments and have made no changes to our findings with respect to the selection of a surrogate country.

Separate Rates

In proceedings involving non-market-economy (“NME”) countries, the Department begins with a rebuttable presumption that all companies within

¹ See 19 CFR 351.204(b)(1).

the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. *See Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) ("Sparklers"), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("Silicon Carbide"), and 19 CFR 351.107(d).

In the *Preliminary Determination*, we found that Redstar demonstrated its eligibility for separate-rate status. For the final determination, we continue to find that the evidence placed on the record of this investigation by Redstar demonstrates both *de jure* and *de facto* absence of government control with respect to its exports of the merchandise under investigation, and therefore, Redstar is eligible for separate-rate status.

Use of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act provides that if an interested party "promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information," the Department may modify the requirements to avoid imposing an unreasonable burden on that party.

Section 782(d) of the Act provides that, if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent

practicable, provide that person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e), disregard all or part of the original and subsequent responses, as appropriate.

Section 782(e) of the Act states that the Department shall not decline to consider information deemed "deficient" under section 782(d) if: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

Furthermore, section 776(b) of the Act states that if the Department "finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission ..., in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available." *See also Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act (URAA)*, H.R. Rep. No. 103-316, Vol. 1 at 870 (1994).

For this final determination, in accordance with sections 773(c)(3)(A) and (B) of the Act and sections 776(a)(2)(A), (B) and (D) and 776(b) of the Act, we have determined that the use of adverse facts available ("AFA") is warranted for the PRC entity, as discussed below.

The PRC-Wide Rate

Because we begin with the presumption that all companies within an NME country are subject to government control and because only the company listed under the "Final Determination Margin" section below has overcome that presumption, we are applying a single antidumping rate - the PRC-wide rate - to all other exporters of subject merchandise from the PRC. *See, e.g., Synthetic Indigo from the People's Republic of China: Notice of Final Determination of Sales at Less Than Fair Value*, 65 FR 25706 (May 3, 2000). The PRC-wide rate applies to all entries of subject merchandise except for entries from Redstar.

In the *Preliminary Determination*, the Department found that the PRC-wide entity (including Xiangtan Electrochemical Scientific Ltd.) failed to respond to the Department's questionnaires, withheld or failed to provide information in a timely manner or in the form or manner requested by the Department, and otherwise impeded the proceeding. Therefore, in the *Preliminary Determination* we treated these PRC producers/exporters as part of the PRC-wide entity because they did not demonstrate that they operate free of government control over their export activities. No additional information was placed on the record with respect to these entities after the *Preliminary Determination*. In addition, because the PRC-wide entity did not provide the Department with the requested information, pursuant to section 776(a)(2)(A) and (C) of the Act, the Department continues to find that the use of facts available is appropriate to determine the PRC-wide rate. Section 776(b) of the Act provides that, in selecting from among the facts otherwise available, the Department may employ an adverse inference if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products from the Russian Federation*, 65 FR 5510, 5518 (February 4, 2000). *See also*, SAA at 870. We have determined that, because the PRC-wide entity did not respond to our request for information, it has failed to cooperate to the best of its ability. Therefore, the Department finds that, in selecting from among the facts otherwise available, an adverse inference is warranted.

Corroboration

Section 776(c) of the Act provides that, when the Department relies on secondary information in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. We have interpreted "corroborate" to mean that we will, to the extent practicable, examine the reliability and relevance of the information submitted. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil*, 65 FR 5554, 5568 (February 4, 2000); *see, e.g., Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan*;

Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews, 61 FR 57391, 57392 (November 6, 1996) (unchanged in the final results).

In the *Preliminary Determination*, we stated we used as AFA the higher of (a) the highest margin alleged in the petition, or (b) the highest calculated rate of any respondent in the investigation.² No parties commented

on the selection of the PRC-wide rate. In the instant investigation, as AFA for the final determination, we have assigned to the PRC-wide entity a margin of 149.92 percent, the highest calculated rate of any respondent in this proceeding, which is the calculated rate of the respondent Redstar. We determined that this information is the most appropriate from the available sources to effectuate the purposes of

AFA. Because the AFA rate for this investigation is a calculated rate from the respondent and is not based on secondary information, no corroboration is required within the meaning of section 776(c) of the Act.

Final Determination Margins

We determine that the following weighted-average percentage margin exists for the POI:

EXPORTER	PRODUCER	MARGIN
Guizhou Redstar Developing Import and Export Company, Ltd.	Guizhou Redstar Developing Dalong Manganese Industrial Co., Ltd.	149.92 %
PRC-Wide Entity .....	.....	*149.92 %

* Xiangtan Electrochemical Scientific Ltd. is included in the PRC-wide entity

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing U.S. Customs and Border Protection ("CBP") to continue to suspend liquidation of all imports of subject merchandise entered or withdrawn from warehouse, for consumption on or after March 26, 2008, the date of publication of the *Preliminary Determination* in the **Federal Register**. We will instruct CBP to continue to require a cash deposit or the posting of a bond for all companies based on the estimated weighted-average dumping margins shown above. The suspension of liquidation instructions will remain in effect until further notice.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission ("ITC") of our final determination of sales at LTFV. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, within 45 days the ITC will determine whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC

determines that such injury does exist, the Department will issue an antidumping duty order and directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to the parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return or 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 determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: August 8, 2008.

David M. Spooner,
Assistant Secretary for Import Administration.

Appendix

Comment 1: Valuation of Manganese

Ore as an Intermediate Input

Comment 2: Surrogate Value for Manganese Ore

Comment 3: Surrogate Financial Ratio Calculation

Comment 4: Steam Consumption

Comment 5: Electricity Inputs to Steam Production

Comment 6: Surrogate Value for Water

Comment 7: Surrogate Value Source for Truck Freight

Comment 8: Grinding Bars and Rings

Steel Products from the People's Republic of China, 65 FR 34660 (May 21, 2000), and accompanying

Comment 9: Surrogate Value for Coal

Comment 10: Labor Wage Rate

Comment 11: Electricity used for Lighting and Appliances in Workshops [FR Doc. E8-19099 Filed 8-15-08; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on September 24, 2008 from 12:00 p.m. - 4:00 p.m. at Stonefield Josephson, 2049 Century Park E, Suite 400, Los Angeles, CA 90067.

The Committee provides advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats available. For further information contact Kim Bang-Nguyen at (202) 482-4805. Minutes of all ETAC meetings are posted at otexa.ita.doc.gov.

Dated: August 12, 2008.

R. Matthew Priest,
Chairman, Committee for Implementation of Textile Agreements.

[FR Doc. E8-19091 Filed 8-15-08; 8:45 am]

BILLING CODE 3510-DS-S

Issues and Decision Memorandum at "Facts Available."

² See *Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Quality*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determinations under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

August 12, 2008.

AGENCY: The Committee for the Implementation of Textile Agreements.

ACTION: Determinations to add products in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement

EFFECTIVE DATE: August 18, 2008.

SUMMARY: The Committee for the Implementation of Textile Agreements ("CITA") has made eight determinations that eight woven fabrics, as specified below, are not available in commercial quantities in a timely manner in the CAFTA-DR countries. The fabrics will be added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities.

FOR FURTHER INFORMATION CONTACT:

Maria Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3651.

FOR FURTHER INFORMATION ONLINE:

<http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf.Reference> numbers:
70.2008.06.18.Fabric.GovofDominican Republic;
71.2008.06.18.Fabric.GovofDominican Republic;
72.2008.06.18.Fabric.GovofDominican Republic;
73.2008.06.18.Fabric.GovofDominican Republic;
74.2008.06.18.Fabric.GovofDominican Republic;
75.2008.06.18.Fabric.GovofDominican Republic;
76.2008.06.18.Fabric.GovofDominican Republic;
77.2008.06.18.Fabric.GovofDominican Republic;
78.2008.06.18.Fabric.GovofDominican Republic;
79.2008.06.18.Fabric.GovofDominican Republic;
80.2008.06.18.Fabric.GovofDominican Republic;
81.2008.06.18.Fabric.GovofDominican Republic.

SUPPLEMENTARY INFORMATION:

Authority: Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act ("CAFTA-DR Act"); the Statement of Administrative Action accompanying the CAFTA-DR Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

BACKGROUND:

The CAFTA-DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Agreement provides that this list may be modified pursuant to Article 3.25(4)-(5), when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. See Annex 3.25, Note; see also section 203(o)(4)(C) of the CAFTA-DR Act.

The CAFTA-DR Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of the CAFTA-DR Act for modifying the Annex 3.25 list. On March 21, 2007, CITA published Final Procedures ("procedures") it would follow in considering Requests to modify the Annex 3.25 list (72 FR 13256).

On June 18, 2008, The Chairman of CITA received eight commercial availability Requests from the Government of the Dominican Republic ("GDR") for various woven fabrics, of the specifications detailed below. On June 19, 2008, in accordance with CITA's procedures, CITA notified interested parties of, and posted on its website, the accepted Requests and asked that interested entities provide, by July 2, 2008, a Response with an Offer to Supply ("Responses") advising of its objection to the Request and its ability to supply the subject product. CITA also explained that Rebuttals to Responses were due to CITA by July 9, 2008.

On July 2, 2008, a CAFTA-DR supplier, Monte Textil S.A. ("Monte"), submitted Responses to each of the eight Requests, advising CITA of its objections to the Requests and explaining its ability to supply each of the eight fabrics as specified in commercial quantities in a timely manner. In its Responses to the GDR's Requests, Monte stated its ability to supply the subject fabrics, and provided some detailed information regarding its production capability.

In its Rebuttals to Monte's Responses, the GDR argued that Monte had failed to demonstrate that it has the capability to make the fabrics in question and that

in its Responses the company provided only a "broad recitation of its general production capabilities."

In accordance with section 203(o)(4) of the CAFTA-DR Act, Article 3.25 of the CAFTA-DR Agreement, and section 8(c)(4) of CITA's procedures, because there was insufficient information to make a determination within 30 days, CITA extended the period of making a determination by 14 U.S. business days.

On July 21, 2008, in accordance with section 8(c)(4)(i) of CITA's final procedures, CITA held a public meeting with representatives from the GDR, Grupo M, a Dominican apparel producer, and Monte, to allow the interested entities to provide additional evidence to support their claims and information previously submitted to CITA.

Section 203(o)(4)(C)(ii) of the CAFTA-DR Act provides that after receiving a Request, a determination will be made as to whether the subject product is available in commercial quantities in a timely manner in the CAFTA-DR countries. In the instant case, the information on the record clearly indicates that the GDR, and specifically a Dominican manufacturer, Grupo M, made significant efforts to source the fabrics in the CAFTA-DR countries, including from Monte, and that Monte has not demonstrated that it can supply the specified fabrics in a timely manner. Therefore, in accordance with section 203(o) of the CAFTA-DR Act, and CITA's procedures, as CITA has determined that the subject products are not available in commercial quantities in a timely manner, CITA has determined to add the specified fabrics to the list in Annex 3.25 of the CAFTA-DR Agreement.

The subject fabrics are added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities. A revised list has been published on-line.

CITA notes that, in accordance with section 203(o)(4) of the CAFTA-DR Act, Article 3.25 of the CAFTA-DR Agreement, and section 9 of CITA's procedures, an interested entity may request CITA to remove or restrict the quantity of a product listed in Annex 3.25 six months after the product has been added. If CITA determines that the product is available in commercial quantities in a timely manner in the CAFTA-DR countries, CITA will publish in the Federal Register a notice of its determination of removal or restriction. Accordingly, the product will be removed from the Annex 3.25 list, or its quantity restricted, six months after the publication date of CITA's determination.

Specifications:**70.2008.06.18.Fabric.Govof DominicanRepublic:**

Certain Sateen Fabrics

HTS: 5209.39.0020

Fiber Content: 98% cotton/2% spandex

Average Yarn Number:

Metric: 74/1 - 78/1; 26/1 - 28/1

English: 44/1 - 46/1; 14.5/1 - 15.5/1

Thread Count:

Metric: 80-84 warp ends/30-31 filling picks per cm

English: 204-214 warp ends/76-80 filling picks per inch

Weave: Sateen

Weight:

Metric: 248-261 gm/sq. m.

English: 7.3 - 7.8 oz./sq. yd.

Width:

Metric: 134-41 cm

English: 53-55 inches

Finish: Piece dyed

71.2008.06.18.Fabric.Govof DominicanRepublic:

Certain Dyed Sateen Fabrics

HTS: 5209.39.0020

Fiber Content: 98% cotton/2% spandex

Average Yarn Number:

Metric: 53/1 - 56/1; 53/1 - 56/1; 225 metric span-

dex

English: 31/1 - 33/1; 31/1 - 33/1; 40 denier span-

dex

Thread Count:

Metric: 73-77 warp ends/31-32 filling picks per cm

English: 185-195 warp ends/78-82 filling picks per inch

Weave: Sateen

Weight:

Metric: 225-236 gm/sq. m.

English: 6.6 - 7.0 oz./sq. yd.

Width:

Metric: 122-127 cm

English: 48-50 inches

Finish: Piece dyed

72.2008.06.18.Fabric.Govof DominicanRepublic:

Certain Dyed Twill Fabrics

HTS: 5209.32.00

Fiber Content: 97% cotton/3% spandex

Average Yarn Number:

Metric: 66/1 - 69/1; 26/1 - 28/1; 116 metric span-

dex

English: 39/1 - 41/1; 16/1; 70 denier spandex

Thread Count:

Metric: 77-81 warp ends/25-26 filling picks per cm

English: 195-205 warp ends/62-66 filling picks per inch

Weave: Three or four thread twill

Weight:

Metric: 231-243 gm/sq. m.

English: 6.8 - 7.2 oz./sq. yd.

Width:

Metric: 129-135 cm

English: 51-53 inches

Finish: Piece dyed

73.2008.06.18.Fabric.Govof DominicanRepublic:

Certain Dobby Weave Fabrics

HTS: 5209.39.0090

Fiber Content: 98% cotton/2% spandex

Average Yarn Number:

Metric: 53/1 - 56/1; 53/1 - 56/1; 225 metric span-

dex

English: 31/1 - 33/1; 31/1 - 33/1; 40 denier span-

dex

Thread Count:

Metric: 69-73 warp ends/ 30-31 filling picks per cm

English: 176-185 warp ends/76-80 filling picks per inch

Weave: Dobby weave

Weight:

Metric: 225-236 gm/sq. m.

English: 6.6 - 7.0 oz./sq. yd.

Width:

Metric: 119-125 cm

English: 48-50 inches

Finish: Piece dyed

74.2008.06.18.Fabric.Govof DominicanRepublic:

Certain Plain Weave Fabrics

HTS: 5208.32.40, 5208.32.50

Fiber Content: 100% cotton

Average Yarn Number:

Metric: 66/1 - 69/1; 66/1 - 69/1;

English: 39/1 - 41/1; 39/1 - 41/1;

Thread Count:

Metric: 51-54 warp ends/ 38-40 filling picks per cm.

English: 130-136 warp ends/98-103 filling picks per inch

Weave: Plain weave

Weight:

Metric: 151-159 gm/sq. m.

English: 4.5 - 4.7 oz./sq. yd.

Width:

Metric: 141-148 cm

English: 56-58 inches

Finish: Piece dyed

75.2008.06.18.Fabric.Govof DominicanRepublic:

Certain Herringbone Twill Fabrics

HTS: 5208.39.2090

Fiber Content: 100% cotton

Average Yarn Number:

Metric: 53/1 - 56/1; 66/1 - 69/1;

English: 31/1 - 33/1; 39/1 - 41/1;

Thread Count:

Metric: 63-66 warp ends/ 35-36 filling picks per cm.

English: 160-168 warp ends/88-92 filling picks per inch

Weave: Herringbone twill

Weight:

Metric: 155-163 gm/sq. m.

English: 4.6 - 4.8 oz./sq. yd.

Width:

Metric: 139-146 cm

English: 55-57 inches

Finish: Piece dyed

76.2008.06.18.Fabric.Govof DominicanRepublic:

Certain Dobby Weave Fabrics

HTS: 5209.39.0080

Fiber Content: 100% cotton

Average Yarn Number:

Metric: 53/1 - 56/1; 53/1 - 56/1;

English: 31/1 - 33/1; 31/1 - 33/1;

Thread Count:

Metric: 65-69 warp ends/ 53-56 filling picks per cm.

English: 166-174 warp ends/135-141 filling picks per inch

Weave: Dobby Weave

Weight:

Metric: 248 - 261 gm/sq. m.

English: 7.3 - 7.7 oz./sq. yd.

Width:

Metric: 141-148 cm

English: 56-58 inches

Finish: Piece dyed

77.2008.06.18.Fabric.Govof DominicanRepublic:

Certain Herringbone Twill Fabrics

HTS: 5209.49.0090

Fiber Content: 100% cotton

Average Yarn Number:

Metric: 53/2 - 56/2; 33/1 - 35/1;

English: 31/2 - 33/2; 20/1 - 21/1;

Thread Count:

Metric: 31-32 warp ends/ 24-25 filling picks per cm.

English: 78-82 warp ends/60-64 filling picks per inch

Weave: Herringbone twill

Weight:

Metric: 271-285 gm/sq. m.

English: 8.0 - 8.4 oz./sq. yd.

Width:

Metric: 142-145 cm

English: 56-57 inches

Finish: Yarn dyed

R. Matthew Priest,*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. E8-19094 Filed 8-15-08; 8:45 am]

BILLING CODE 3510-DS-S**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****[OMB Control Number 0704-0214]****Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Special Contracting Methods****AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through November 30, 2008. DoD proposes that OMB extend its approval for use for three additional years.

DATES: DoD will consider all comments received by October 17, 2008.**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0214, using any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- E-mail: dfars@osd.mil. Include OMB Control Number 0704-0214 in the subject line of the message.
- Fax: 703-602-7887.
- Mail: Defense Acquisition Regulations System, Attn: Mr. Michael Benavides, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062.

- Hand Delivery/Courier: Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202-3402.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Benavides, 703-602-1302. The information collection requirements addressed in this notice are available on the World Wide Web at: <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>. Paper copies are available from Mr. Michael Benavides, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 217, Special Contracting Methods, and related provisions and clauses at DFARS 252.217; OMB Control Number 0704-0214.

Needs and Uses: Contracting officers need the information required by DFARS Part 217 and the related provisions and clauses to determine the economic advantage of exchange (trade-in) of personal property; to permit definitization of contract actions; to determine the reasonableness of proposed prices; to determine that a contractor is adequately insured; to determine the appropriate course of action in the event of loss or damage to a vessel; to provide for competition in future acquisitions; and to determine the need for "over and above" work.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 1,113,124.

Number of Respondents: 54,181.

Responses Per Respondent:

Approximately 2.

Annual Responses: 108,714.

Average Burden per Response: 10.24 hours.

Frequency: On occasion.

Summary of Information Collection

a. Paragraph (a) of DFARS 217.7004 requires that solicitations contemplating exchange (trade-in) of personal property, and application of the exchange allowance to the acquisition of similar property, must include a request for offerors to state prices for the new items being acquired both with and without any exchange allowance.

b. Paragraph (b) of DFARS 217.7404-3 requires the contractor to submit a qualifying proposal in accordance with the definitization schedule for an undefinitized contract action, unless an exception in DFARS 217.7404-5 applies. A "qualifying proposal" is defined in paragraph (c) of DFARS 217.7401 as a proposal containing

sufficient information for DoD to do complete and meaningful analyses and audits of the information in the proposal and any other information that the contracting officer has determined that DoD needs to review in connection with the contract.

c. Paragraph (d) of DFARS 217.7505 permits contracting officers to include, in sole source solicitations for replenishment parts, a provision requiring an offeror to supply, with its proposal, price and quantity data on any Government orders for the replenishment part issued within the most recent 12 months.

d. Paragraph (d)(3) of the clause at DFARS 252.217-7012 requires the contractor to show evidence of insurance under a master agreement for vessel repair and alteration. Paragraphs (f) and (g) of the clause require the contractor to notify the contracting officer of any property loss or damage for which the Government is liable, and to submit to the contracting officer a request for reimbursement of the cost of replacement or repair with supporting documentation.

e. Paragraph (b) of the provision at DFARS 252.217-7026 requires the apparently successful offeror to identify its sources of supply. This information is needed to comply with the requirements of 10 U.S.C. 2384.

f. Paragraphs (c) and (e) of the clause at DFARS 252.217-7028 require the contractor to submit to the contracting officer a work request and a proposal for "over and above" work.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. E8-19096 Filed 8-15-08; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF EDUCATION

**Submission for OMB Review;
Comment Request**

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 17, 2008.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222,

Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to oira_submission@omb.eop.gov or via fax to (202) 395-6974. Commenters should include the following subject line in their response "Comment: [insert OMB number], [insert abbreviated collection name, e.g., "Upward Bound Evaluation"]". Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: August 12, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Revision.

Title: Talent Search (TS) and Educational Opportunity Centers (EOC) Annual Performance Report.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 596.

Burden Hours: 3,576.

Abstract: Talent Search and Equal Opportunity Centers grantees must submit this annual performance report. The Department uses the reports to evaluate the performance of grantees prior to awarding continuation funding

and to assess grantees' prior experience at the end of the budget period. The Department will also aggregate the data across grantees to provide descriptive information on the programs and to analyze its outcomes in response to the Government Performance and Results Act.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3699. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E8-19075 Filed 8-15-08; 8:45 am]

BILLING CODE 4000-01-M

ELECTION ASSISTANCE COMMISSION

Federal Advisory Committee Act; Technical Guidelines Development Committee Charter Renewal

AGENCY: Election Assistance Commission.

ACTION: Notice of charter renewal.

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), the purpose of this notice is to announce that the Election Assistance Commission (EAC) has renewed the charter for the Technical Guidelines Development Committee (TGDC) for a two-year period through August 9, 2010. The TGDC is a federal advisory committee under the Federal Advisory Committee Act.

DATES: Renewed through August 9, 2010.

ADDRESSES: Election Assistance Commission, 1225 New York Avenue, NW., Suite 1100, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Donetta Davidson, Designated Federal Officer, Technical Guidelines

Development Committee, at (202) 566-3100. E-mail: havainfo@eac.gov.

SUPPLEMENTARY INFORMATION: The TGDC is a Federal advisory committee created by statute whose mission is to assist the EAC Executive Director in the development of voluntary voting system guidelines. In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons of the renewal of the TGDC.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. E8-19065 Filed 8-15-08; 8:45 am]

BILLING CODE 6820-KF-P

ELECTION ASSISTANCE COMMISSION

Notice: Request for Public Comment

AGENCY: United States Election Assistance Commission.

ACTION: Notice: Request for Public Comment.

SUMMARY: The EAC seeks public comment on a proposed policy entitled "Proposed Notice and Public Comment Policy." This policy is to provide effective notice for a period of public comment on all policies being considered for adoption by the United States Election Assistance Commission (EAC) that are not required for public comment under law.

DATES: Comments must be received by 5 p.m. ET on September 17, 2008.

ADDRESSES: Comments may be submitted: Online at <http://www.eac.gov/News/public-comment>, via e-mail at havainfo@eac.gov, via mail addressed to the U.S. Election Assistance Commission, 1225 New York Ave, NW., Suite 1100, Washington, DC 20005, or by fax at 202/566-3127. Commenters are encouraged to submit comments electronically and include "Notice and Public Comment" in the subject line, to ensure timely receipt and consideration.

SUPPLEMENTARY INFORMATION: The following is the complete text of the proposed notice and public comment policy the EAC is seeking public comment on.

Proposed Notice and Public Comment Policy

I. Purpose

The purpose of this policy is to provide effective notice for a period of public comment on all policies being considered for adoption by the United States Election Assistance Commission (EAC), which are not subject to notice

and comment under any federal statute. From time to time, EAC issues advisories, manuals, procedures, regulations and rules, which impact outside parties. Some of these policies and rules must be adopted after a period of public comment pursuant to the Administrative Procedures Act (APA) or other statutes, such as the Help America Vote Act (HAVA) or the National Voter Registration Act (NVRA). Other policies do not require such public participation; however, EAC is committed to make all of its policymaking activities open and transparent.

EAC believes that public involvement in the policy process is the best way to develop sound policy and encourage public understanding of and participation in agency activities. As such, EAC desires to require notice and comment for all of its advisories, manuals, procedures, regulations and rules that may impact outside parties. To that end, this policy requires EAC to provide the public an opportunity to comment on any proposed policy or rule of general applicability (those impacting outside parties), even when such public comment is not otherwise required by law.

This policy further outlines the roles, responsibilities and procedures for this process to assure that the public has effective notice and the ability to submit timely and meaningful comment on proposed EAC policies and rules.

II. Definitions

A. "Outside Party" means any other government entity, corporation, non-profit association, or individual other than EAC. Outside Party shall not include Federal government executive branch or independent agencies.

B. "Policy of general applicability" is a policy that applies to all relevant stakeholders. It is not a particular matter involving a single party that addresses a specific case or controversy, such as the resolution of one state's audit, or interpretations issued under the EAC's Testing and Certification and Laboratory Accreditation Programs. Matters of general applicability include the following:

- Program manuals adopted by EAC that impact outside parties, such as the testing and certification program manual, the laboratory accreditation manual, and grant manuals regarding any of the EAC distributed or managed grant programs.

- Guidance (other than that developed by EAC regarding sections 301-303 of HAVA), advisories, and advisory opinions related to the implementation or administration of

HAVA or the National Voter Registration Act (NVRA).

- Other regulations or policies concerning EAC administrative actions that impact outside parties.

III. Roles and Responsibilities

A. *Responsible Program Director.* The Responsible Program Director is the EAC staff person who is generally responsible for the subject area addressed in a proposed policy or rule. The Responsible Program Director shall be responsible for preparing notices and assuring that proposed policies and rules for public comment are posted in a timely manner. In addition, the Responsible Program Director shall be responsible for collecting, analyzing and recommending a disposition on all comments received during the comment period. The Responsible Program Director shall produce the written summary of all comments received, as described above, within 14 days of the close of the comment period. The Responsible Program Director will regularly update the commissioners, executive director, chief operating officer, general counsel and all other appropriate EAC staff on the volume and types of comments that are received during the public comment period.

When a policy or rule is proposed by a Commissioner, the Special Assistant assigned to that Commissioner shall assume all responsibilities of the Responsible Program Director and will regularly coordinate and share information with the executive director, general counsel, chief operating officer and the program director generally responsible for the subject area addressed in the proposed policy.

B. *Executive Director.* The Executive Director shall assign a Responsible Program Director when such action is required. The Executive Director may approve a public comment period of between 15 and 29 days, under limited circumstances and when good cause is demonstrated. The Executive Director may approve a waiver for publishing notice in the **Federal Register** under limited circumstances and when good cause is demonstrated. The Executive Director may grant an additional reasonable period of time beyond the required 14-day period for the Responsible Program Director to produce a written summary report of all comments received.

C. *General Counsel.* The Office of the General Counsel shall provide counsel upon request to the Responsible Program Director, the Executive Director, or any Commissioner regarding the proposed policy or rule, posting of the document for effective notice and

comment, review and disposition of any comment received, and/or any interpretation of this policy.

IV. Applicability

Under this policy, any advisory, manual, procedure, regulation and rule of general applicability, which impacts outside parties (i.e. is not strictly limited to the internal operations of EAC), must be posted for notice and public comment. This policy applies even when neither the APA nor HAVA or NVRA require that a proposed policy or rule is subject to notice and public comment prior to adoption. For example, the APA requires that final rules of general applicability are published to provide notice to the public, but does not require that the agency take or receive comments on that rule. In this example, EAC's manual on its testing and certification program would not be required to be posted for notice and public comment by the APA. However, under this policy, a manual, which would have an impact on outside parties, must be posted for notice and public comment.

This policy does not apply to circumstances wherein statutes such as APA or HAVA require notice and public comment prior to adoption of the guidance, regulation, rule, or policy statement. For example, the APA requires that regulations promulgated pursuant to the NVRA are posted for notice and public comment. Likewise, HAVA requires that guidance developed regarding Sections 301–303 of HAVA, as well as the Voluntary Voting System Guidelines, are subject to notice and public comment.

V. Effective and Sufficient Notice

A. *Comment Period.* At a minimum, EAC will provide a period of public comment of no less than 30 days on all policies or rules of general applicability. The Responsible Program Director at his/her discretion may extend the period for public comment. The comment period on any policy or rule of general applicability may not exceed 180 days unless so extended by vote of the Commission when good cause is demonstrated for extending the comment period. Considerations for extension shall include, but are not limited to the content of the proposed policy or rule, the complexity of the proposed policy or rule, and intervening circumstances during the comment period.

EAC recognizes that there may be good cause for the comment period to be less than 30 days so that the Commission can respond to a time sensitive matter in a timely manner. The

Responsible Program Director must request such an exception in writing to the Executive Director, justifying the reason for requesting that the comment period be less than 30 days. The Executive Director may grant such an exception when good cause is demonstrated for reducing the public comment period and must do so in writing. Under no circumstance shall the period of public comment be less than 15 days. EAC acknowledges that such exemptions will be rare occurrences.

B. *Notice to the Public.* In order to ensure that members of the public are apprised of EAC's publication of a proposed policy and solicitation for comments on the proposed policy, EAC will use the following methods of publication and notice to the public:

- Publishing a notice in the **Federal Register** notifying the public of the proposed policy or rule and soliciting comments by a date certain; and
- Publishing the proposed rule or policy on the EAC Web site and soliciting comments by a date certain; and

- Sending notice to EAC stakeholders, members of Congress and interested members of the media through a weekly e-mail newsletter.

If the Responsible Program Director determines that publishing notice in the **Federal Register** will result in a comment period of less than 30 days, then he/she must request in writing to the Executive Director a waiver of publication of the notice in the **Federal Register**, demonstrating good cause for such a waiver. The Executive Director may grant such an exception when good cause is demonstrated and must do so in writing.

The Responsible Program Director shall prepare notice of the proposed policy or rule and the solicitation for comments, which shall include a summary of the proposed action, and cause it to be published in the means identified above. Included in this responsibility is the duty to analyze and assign a reasonable period for accepting comments within the parameters established by this policy.

C. *Equal Ability to Comment.* Under this policy, no draft or proposed policy or rule shall be released to any outside party prior to the time that it is posted for public comment. If it is determined that a proposed policy was released to a outside party prior to the beginning of the public comment period, the comment period shall be extended by 30 days in order to allow all members of the public to have equal ability to provide comment.

VI. Collecting and Receiving Public Comments

For all proposed policies and rules, EAC shall accept comments by e-mail, fax, or in hard copy. However, EAC shall encourage members of the public to provide comments through an on-line portal on the EAC Web site or through an EAC established centralized comment submission program. Comments, regardless of the means of transmission, must be made available to the public as soon as practicable after they are received.

VII. Consideration of Comments

The Responsible Program Director must timely read and consider each and every comment submitted during the comment period. In addition, the Responsible Program Director shall recommend a disposition for all comments. In the final consideration of the advisory, manual, procedure, regulation or rule, the Responsible Program Director shall provide a written summary of all comments received, indicating which of those comments should be accepted, rejected, or tabled for future consideration.

The Responsible Program Director shall produce the written summary of all comments received, as described above, within 14 days of the close of the comment period. The Responsible Program Director may request an extended period of a reasonable length of time to complete the summary report. The request shall be submitted in writing to the Executive Director. The Executive Director may grant such an extension when good cause is demonstrated and must do so in writing.

VIII. Adoption of a Rule or Policy of General Applicability

No rule or policy of general applicability shall be adopted by vote of the EAC unless:

- The proposed rule or policy has been posted for public comment in accordance with this policy; and
- All comments submitted in response to the proposed policy have been reviewed and considered; and
- A vote of three or more Commissioners approves the proposed policy and any changes that are recommended by the Responsible Program Director after review and consideration of the comments.

Thomas R. Wilkey,
Executive Director, U.S. Election Assistance Commission.

[FR Doc. E8-19067 Filed 8-15-08; 8:45 am]

BILLING CODE 6820-KF-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 10, 2008, 5 p.m.

ADDRESSES: Atomic Testing Museum, 755 East Flamingo Road, Las Vegas, Nevada 89119.

FOR FURTHER INFORMATION CONTACT: Rosemary Rehfeldt, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 657-9088; Fax (702) 295-5300 or E-mail: ntscab@nv.doe.gov.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. DOE Presentation: Nevada Test Site Underground Test Area Sub-Project Update
2. DOE Presentation: Nevada Test Site Transuranic Waste Sub-Project Update
3. Sub-Committee Reports
 - A. Environmental Management Public Information Review Effort Committee
 - B. Outreach Committee
 - C. Transportation/Waste Committee
 - D. Underground Test Area Committee
4. Approval of Sub-Committees' Fiscal Year 2009 Work Plans
5. Chair, Vice-Chair, and Committee Chair Elections for Fiscal Year 2009

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Rosemary Rehfeldt at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make

public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing to Rosemary Rehfeldt at the address listed above or at the following Web site: <http://www.ntscab.com/MeetingMinutes.htm>.

Issued at Washington, DC on August 12, 2008.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E8-19057 Filed 8-15-08; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 10, 2008, 6 p.m.

ADDRESSES: DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831. Phone (865) 576-4025; Fax (865) 576-2347 or e-mail: halseypj@oro.doe.gov or check the web site at <http://www.oakridge.doe.gov/em/ssab>.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The main meeting topic will be "The Federal Historic Preservation Program."

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the

presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Pat Halsey at the address and phone number listed above. Minutes will also be available at the following Web site: <http://www.oakridge.doe.gov/em/ssab/minutes.htm>.

Issued at Washington, DC on August 12, 2008.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E8-19062 Filed 8-15-08; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494-348]

Grand River Dam Authority; Notice of Availability of Shoreline Management Plan for the Pensacola Project and Soliciting Comments, Motions To Intervene, and Protests

August 8, 2008.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Shoreline Management Plan.

b. *Project No.* 1494-348.

c. *Date Filed:* July 21, 2008.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Hydroelectric Project.

f. *Location:* The project is located on the Grand River in northeastern Oklahoma and lies within Craig, Delaware, Mayes, and Ottawa Counties. The project does not occupy any Federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r)

h. *Applicant Contact:* Mr. Robert Sullivan, Grand River Dam Authority, P.O. Box 409, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301-0409. *Phone:* (918) 256-5545.

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 502-6175 or by e-mail: Brian.Romanek@ferc.gov.

j. *Deadline for filing motions to intervene and protests, comments, and recommendations are due 30 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 interveners 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 intervener 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.

k. *Description of the Application:* The Grand River Dam Authority, licensee of the Pensacola Hydroelectric Project, has filed a Shoreline Management Plan (SMP) for the project. The SMP is a comprehensive plan to manage the multiple resources and uses of the project's shoreline in a manner that is consistent with license requirements and project purposes, and to address the needs and interests of stakeholders.

l. *Location of the Application:* This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. 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 at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the application. A copy of the application may be obtained by agencies or directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8-18999 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

August 12, 2008.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP03-36-034.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits Substitute Ninth Revised Sheet 359 to FERC Gas Tariff, First Revised Volume 1, to become effective 7/1/08.

Filed Date: 08/05/2008.

Accession Number: 20080807-0007.

Comment Date: 5 p.m. Eastern Time on Monday, August 18, 2008.

Docket Numbers: RP08-424-001. CP07-90-002.

Applicants: Tres Palacios Gas Storage L.L.C.

Description: Tres Palacios Gas Storage, L.L.C. submits Substitute Original Sheet 36 and 41 to FERC Gas Tariff, Original Volume 1, in compliance with FERC's 7/30/08 Order.

Filed Date: 08/07/2008.

Accession Number: 20080811-0084.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 19, 2008.

Docket Numbers: RP08-479-000.

Applicants: Saltville Gas Storage Company L.L.C.

Description: Saltville Gas Storage Company, L.L.C. submits Fifth Revised Sheet 107 et al. FERC Gas Tariff, Original Volume 1, to become effective 8/1/08.

Filed Date: 08/01/2008.

Accession Number: 20080804-0125.

Comment Date: 5 p.m. Eastern Time on Friday, August 15, 2008.

Docket Numbers: RP08-494-000.

Applicants: TransColorado Gas Transmission Company L.L.C.

Description: TransColorado Gas Transmission Company, L.L.C. submits Original Sheet 279A to FERC Gas Tariff, Second Revised Volume 1, to become effective 9/1/08.

Filed Date: 08/08/2008.

Accession Number: 20080811-0236.

Comment Date: 5 p.m. Eastern Time on Wednesday, August 20, 2008.

Docket Numbers: RP08-495-000.

Applicants: Texas Gas Transmission, L.L.C.

Description: Texas Gas Transmission, L.L.C. submits Thirteenth Revised Sheet 2 et al. to Second Revised Volume 1 to become effective 9/1/08.

Filed Date: 08/11/2008.

Accession Number: 20080811-0235.

Comment Date: 5 p.m. Eastern Time on Monday, August 25, 2008.

Docket Numbers: CP08-453-000.

Applicants: Great Lakes Gas Transmission Limited Partnership

Description: Abbreviated Application of Great Lakes Gas Transmission Limited Partnership to Abandon Natural Gas Transmission and Exchange Service for Minnesota Energy Resources Corporation pursuant to Rate Schedule T-11.

Filed Date: 07/31/2008.

Accession Number: 20080731-5124.

Comment Date: 5 p.m. Eastern Time on Friday, August 22, 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, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8-19010 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR08-13-000]

BP West Coast Products LLC and ExxonMobil Oil Corporation, Complainants, v. SFPP, L.P., Respondent; Notice of Complaint

August 11, 2008.

Take notice that on August 8, 2008, BP West Coast Products LLC and

ExxonMobil Oil Corporation (Complainants) tendered for filing a complaint against the rates of SFPP, L.P. (SFPP), in effect as of the date of complaint. Complainants request that the Commission set the proceeding for hearing and investigation; appoint a settlement judge to supervise settlement negotiations; terminate SFPP's collection of excess profits from shippers and consumers; establish just and reasonable rates; require the payment of reparations, with interest, compounded quarterly, starting two years before the date of complaint for all rates; not permit "indexing forward" of the resulting rates; and award such other relief as is necessary and appropriate under the Interstate Commerce Act.

Complainants state that copies of the complaint were served on SFPP.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on August 28, 2008.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E8-19003 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2535-110]

South Carolina Electric & Gas Company; Notice of Availability of Environmental Assessment

August 8, 2008.

An environmental assessment (EA) is available for public review. The EA was prepared for an application filed by South Carolina Electric & Gas Company on October 26, 2007, requesting the Commission's authorization to permit the Columbia County Water and Sewerage System (Columbia) to increase the maximum allowable rate of water withdrawn from the Stevens Creek Project reservoir from 10 to 47.1 million gallons per day.

The EA evaluates the environmental impacts that would result from permitting Columbia to withdraw additional water from the Stevens Creek reservoir. The proposal would include no construction activity because the existing facilities are sufficient to allow the increase in water withdrawn. The EA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is attached to a Commission order titled "Order Modifying and Approving Non-Project Use of Project Lands and Waters," issued August 8, 2008, and is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number "P-2535" in the docket field to access the document. For assistance, call toll-free 1-(866)-208-3372 or (202) 502-8659 (for TTY).

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E8-18997 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 459-226]

Union Electric Company, dba AmerenUE; Notice of Availability of Environmental Assessment

August 8, 2008.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed an application for non-project use of project lands and waters at the Osage Project (FERC No. 459) and has prepared an Environmental Assessment (EA) for the proposed non-project use. The non-project use of project lands and waters is located near mile marker 31.2+3.3 on the Big Niangua Arm of the Lake of the Ozarks, in Camden County, Missouri. The Osage Project is located in Benton, Camden, Miller, and Morgan counties, Missouri.

In the application, Union Electric Company, dba AmerenUE requests Commission approval to authorize Lake Development LLC to construct 12 boat docks with 384 covered boat slips and 36 personal watercraft slips. The EA contains Commission staff's analysis of the probable environmental impacts of the proposal and concludes that approving the licensee's application, with staff's recommended environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The EA is attached to a Commission order titled "Order Modifying and Approving Non-Project Use of Project Lands and Waters," which was issued August 7, 2008, and is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the project number (prefaced by P-) and excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-

free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18992 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No: ER08-54-006]

ISO New England, Inc.; Notice of Filing

August 8, 2008.

Take notice that on August 5, 2008, ISO New England, Inc. and the New England Power Pool submitted a transmittal letter and tariff sheets revising Market Rule 1, on August 7, 2008, a filing was submitted clarifying the transmittal letter.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on August 26, 2008.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8-18998 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12492-001]

Ha-Best, Inc.; Notice of License Application Amendment

August 8, 2008.

Take notice that the following hydroelectric application amendment has been filed with the Commission and is available for public inspection.

a. *Type of Application:* License Application Amendment for an Original Minor License.

b. *Project No.:* P-12492-001.

c. *Date Filed:* July 31, 2008.

d. *Applicant:* Ha-Best Inc.

e. *Name of Project:* Miner Shoal Waterpower Project.

f. *Location:* The proposed project is located on the Soque River, near the Town of Demorest, Habersham County, Georgia. The proposed project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Don Ferguson, 34 West Jarrard Street, Cleveland, GA 30528; Telephone (706) 865-3999.

i. *FERC Contact:* Janet Hutzel, Telephone (202) 502-8675, or by e-mail at janet.hutzel@ferc.gov.

j. The application is not ready for environmental analysis at this time.

k. *Project Description:* The proposed Minor Shoal Project would consist of the following: (1) An existing 5-foot-high, 80-foot-long diversion dam; (2) an existing 92-foot-long, 7-foot-diameter steel penstock; (3) a new 160-foot-long, 7-foot-diameter steel penstock from the diversion dam tying in to the existing penstock at elevation 1228 feet mean sea level; (4) two existing powerhouses containing a total of three turbines with a total installed capacity of 1,320 kilowatts; and (5) appurtenant facilities. The project would have an annual generation of 2,175,000 kilowatt-hours.

l. *Locations of the Application Amendment:* A copy of the application amendment is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the

last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (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/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. *Procedural Schedule:* At this time we do not anticipate the need for preparing a draft environmental assessment (EA). Recipients will have 30 days to provide the Commission with any written comments on the EA. All comments filed with the Commission will be considered in the Order taking final action on the license application. However, should substantive comments requiring re-analysis be received on the EA document, we would consider preparing a subsequent EA document. The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Acceptance or Deficiency Letter.	October 2008.
Request Additional Information.	October 2008.
Issue Scoping Document 1 for Comments.	March 2009.
Issue Scoping Document 2 (if necessary).	June 2009.
Notice that application is ready for environmental analysis.	June 2009.
Notice of the Availability of the EA.	December 2009.

n. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice ready for environmental analysis.

Kimberly D. Bose,

Secretary.

[FR Doc. E8-18994 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06-1-010]

Florida Gas Transmission Company; Notice of Motion To Vacate Certificate in Part

August 11, 2008.

Take notice that on August 1, 2008, Florida Gas Transmission Company (FGT), 5444 Westheimer Road, Houston, Texas 77056, filed in Docket No. CP06-1-010, a motion to vacate the certificate authority granted on June 15, 2006, in Docket No. CP06-1-000, to construct, own, and operate FGT's Phase VII Expansion Project facilities. FGT states that the planned construction of two 36-inch diameter pipeline loops totaling 15.3 miles in Levy and Hernando Counties, Florida, the rewheeling two existing compressor units at FGT's Station 27 in Hillsborough County, Florida, and the addition of appurtenant facilities, are no longer necessary due to a customer's decision to terminate its service commitment. FGT seeks to vacate the portion of its certificate that authorizes these facilities.

The motion is on file with the Commission and open for public inspection. This motion is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Any questions regarding the application should be directed to Frazier King or Dawn McGuire, Florida Gas Transmission Company (FGT), 5444 Westheimer Road, Houston, Texas 77056, (713) 998-2132.

There are two ways to become involved in the Commission's review of FGT's request. First, any person wishing to obtain legal status by becoming a party to this proceeding should, on or before the comment date listed below, 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 this filing and all subsequent filings made with the Commission and must mail a copy of all filings 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.

However, other persons do not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to FGT's request. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to this project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only in support of or in opposition to FGT's request should submit an original and two copies of their comments to the Secretary of the Commission. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

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 (www.ferc.gov) under the "e-Filing" link.

Comment Date: September 1, 2008.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8-19004 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08-451-000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

August 8, 2008.

Take notice that on August 1, 2008, ANR Pipeline Company (ANR), 717 Texas Street, Houston, Texas 77002, filed in Docket No. CP08-451-000, 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, own, and operate an interconnect with Kinder Morgan Louisiana Pipeline LLC (KMLP) to receive revaporized liquefied natural gas (LNG), all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, ANR proposes to construct and install a new interconnect on ANR's 24-inch 503 line, to receive LNG from KMLP that directly connects to the Cheniere Sabine Pass LNG terminal, located in Cameron Parish, Louisiana. ANR will construct one sixteen-inch tap and valve, one sixteen-inch check valve, one sixteen-inch block valve, approximately 75-feet of 16-inch interconnecting pipe, over-pressure equipment, communications, and electronic gas measurement (EGM). ANR estimates the cost of construction to be \$414,000, with all costs associated with such facilities to be reimbursed by KMLP. ANR states that the addition of the proposed interconnect will have no significant impact on ANR's peak day or annual deliveries. KMLP will construct, own, and operate the meter station, and will be designed for flow capability of up to 200 MMcf/d.

Any questions regarding the application should be directed to Dean Ferguson, Vice President, Marketing and Business Development, ANR Pipeline Company, 717 Texas Street, Houston, Texas 77002, or call (832) 320-5503, fax (832) 320-6503, or e-mail dean_ferguson@transcanada.com.

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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file 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 (www.ferc.gov) under the "e-Filing" link.

Kimberly D. Bose,

Secretary.

[FR Doc. E8-18993 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08-449-000]

Texas Gas Transmission, LLC; Notice of Request Under Blanket Authorization

August 8, 2008.

Take notice that on August 1, 2008, Texas Gas Transmission, LLC (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP08-449-000, 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, own, and operate a new interconnect on Texas Gas' Eunice Thibodaux system, located in Acadia Parish, Louisiana, in order to receive revaporized liquefied natural gas (LNG) from Kinder Morgan Louisiana Pipeline LLC (KMLP), all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at

FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, Texas Gas proposes to construct two sixteen-inch side valves, approximately fifty feet of connecting 20-inch piping, overpressure protection equipment with bypass, electronic flow measurement equipment, communication equipment, and other appurtenant auxiliary facilities in order to receive 600 MMcf/d of revaporized LNG from KMLP, which will directly connect to the Cheniere Sabine Pass LNG import terminal, located in Cameron Parish, Louisiana. Texas Gas estimates the cost of construction to be \$712,113, with all costs associated with such facilities to be reimbursed by KMLP. Texas Gas states that addition of the proposed receipt point will have no significant impact on Texas Gas' peak day or annual deliveries.

Any questions regarding the application should be directed to Kathy D. Fort, Manager of Certificates and Tariffs, Texas Gas Transmission, LLC, 3800 Frederica Street, Owensboro, Kentucky 42301, or call (270) 688-6825, fax (270) 688-5871, or e-mail kathy.fort@bwpmlp.com.

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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file 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 (www.ferc.gov) under the "e-Filing" link.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-18995 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Supplemental Notice of Technical Conference and Order on Late Intervention

August 8, 2008.

Dominion Cove Point LNG, LP.	Docket Nos.:
	CP05-130-000
	CP05-130-001
	CP05-130-002
	CP05-130-003
	CP05-132-000
	CP05-132-001
	CP05-132-002
	CP05-395-000
	CP05-395-001
Dominion Transmission, Inc..	Docket Nos.:
	CP05-131-000
	CP05-131-001
	CP05-131-002
(Not consolidated)	

Take notice that as previously announced on August 1, 2008, the Federal Energy Regulatory Commission (Commission) will hold a technical conference in the above-captioned proceedings on Thursday, August 14, 2008. As stated in the August 1, 2008 Notice, the purpose of the conference is to allow the parties and Commission staff to discuss whether and when the Cove Point Expansion Project can go forward without causing unsafe leakage consistent with the public interest. Specifically, the participants should be prepared to discuss the nature and progress of remedial measures taken to date, as well as the need and benefit of any other remedial measures that might be taken by Washington Gas Light Company (WGL) and Dominion Cove Point LNG, LP so that WGL's system can safely accommodate the increased amounts of regasified LNG from Cove Point's LNG import terminal. The Commission is providing further information concerning the conference.

Conference Information

Date: Thursday, August 14, 2008.

Time: 9:30 a.m. to 1:30 p.m. (EST).

Location: Federal Energy Regulatory Commission, 888 First Street, NE., Room 3M-2A and B, Washington, DC 20426.

Commission staff will preside over the technical conference. Following staff's opening remarks and questions from staff to various participants, Commission staff will oversee a discussion among the participants, confined to subjects described herein and in prior notices, as appropriate in light of the information provided in response to Commission staff questions. The Commission's seasonal, business-casual policy will apply. For further information about this proceeding, interested persons may go to the Commission's Web site, www.ferc.gov, and search under the docket number for this proceeding, Docket No. CP05-130-000, *et al.*

CPV Power Development, Inc. filed a motion to intervene out-of-time in these proceedings on July 29, 2008. The Commission, pursuant to Rule 214(d)(3)(i) of the Commission's Rules of Practice and Procedure, hereby grants CPV Power Development, Inc.'s motion to intervene out-of-time for the limited purpose of participating in the Technical Conference. The Commission reserves to right later to grant or deny further party status to CPV Power Development, Inc. as may be appropriate.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to accessibility@ferc.gov or call toll free (866) 208-3372 (voice) or (202) 208-1659 (TTY), or send a FAX to (202) 208-2106.

Any questions about this procedural conference may be directed to: Berne Mosley, 202-502-8265, berne.mosley@ferc.gov or Whit Holden, 202-502-8089, edwin.holden@ferc.gov.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. E8-19000 Filed 8-15-08; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8705-6]

Gulf of Mexico Program Citizens Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of cancellation of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Pub. L. 92-463), EPA gives notice of cancellation of a meeting of the Gulf of Mexico Program (GMIP) Citizens Advisory Committee (CAC).

DATES: The cancelled meeting was scheduled to be held on Tuesday, August 19, 2008, from 9 a.m. to 5 p.m., Wednesday, August 20, 2008, from 9 a.m. to 5 p.m., and Thursday, August 21, 2008, from 9 a.m. to 12 p.m. at the Omni Corpus Christi Hotel-Marina Tower, 707 North Shoreline Boulevard, Corpus Christi, Texas 78401.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529-6000 at (228) 688-2421.

Dated: August 11, 2008.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. E8-18978 Filed 8-14-08; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8705-8]

Science Advisory Board Staff Office; Notification of Upcoming Meeting of the Science Advisory Board Environmental Engineering Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Science Advisory Board (SAB) Staff Office announces a public meeting of the SAB Environmental Engineering Committee to provide consultative advice to EPA's Office of Pollution Prevention and Toxics (OPPT) on possible new approaches for measuring results of pollution prevention activities. The Committee will also discuss its advisory activities for the coming fiscal year.

DATES: The meeting dates are Wednesday, September 3, 2008 from 9 a.m. to 5:30 p.m. through Thursday, September 4, 2008 from 9 a.m. to 2 p.m. (Eastern Time).

ADDRESSES: The meeting will be held in the SAB Conference Center, located at 1025 F Street, NW., Suite 3705, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information about this meeting must contact Ms. Kathleen White, Designated Federal Officer (DFO). Ms. White may be contacted at the EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or via telephone/voice mail; (202) 343-9878; fax (202) 233-0643; or e-mail at:

white.kathleen@epa.gov. General information about the EPA SAB, as well as any updates concerning the meeting announced in this notice, may be found on the SAB Web site at: <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the SAB Environmental Engineering Committee will hold a public meeting to provide consultative advice on measuring new annual and recurring results across all OPPT pollution prevention-related program centers. OPPT currently uses a suite of measures to evaluate the effectiveness of pollution prevention programs and would like to add measures to more fully capture economic and other benefits of pollution prevention. The Committee will also discuss its advisory activities for the coming year.

The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: OPPT manages programs under the Toxic Substances Control Act (TSCA) and the Pollution Prevention Act (PPA). Under these laws, EPA evaluates new and existing chemicals and their risks and finds ways to prevent or reduce environmental pollution. OPPT also manages a variety of environmental stewardship programs that encourage companies to reduce and prevent pollution. Pollution prevention (P2) is reducing or eliminating waste at the source by modifying production processes, promoting the use of non-toxic or less-toxic substances, implementing conservation techniques, and re-using materials rather than putting them into the waste stream. The pollution prevention programs are described at <http://www.epa.gov/p2/>.

The SAB Environmental Engineering Committee will be augmented with additional SAB members with expertise in pollution prevention, voluntary programs, and economic measures of results. The roster and biosketches of those members participating in the consultation will be posted on the SAB Web site at: <http://www.epa.gov/sab>.

Availability of Meeting Materials: The agenda and other material for the upcoming public meeting will be posted on the SAB Web site at: <http://www.epa.gov/sab>.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the SAB Panel to consider on the topics included in this advisory activity, or the group conducting the activity. **Oral Statements:** In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes per speaker, with no more than a total of one hour for all speakers. Interested parties should contact Ms. White, DFO, in writing (preferably via e-mail) at the contact information noted above, by August 27, 2008, to be placed on a list of public speakers for the meeting. **Written Statements:** Written statements should be received in the SAB Staff Office by August 19, 2008, so that the information may be made available to the SAB Panel members for their consideration. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

Accessibility: For information on access or services for individuals with disabilities, please contact Ms. White at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: August 11, 2008.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E8-19072 Filed 8-15-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8705-9]

Proposed CERCLA Administrative Cost Recovery Settlement; Soiland, Inc., and Stephen H. Trombly, Grugnale Waste/Drum Disposal Site, Milford, NH

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a

proposed administrative settlement for recovery of past costs concerning the Grugnale Waste/Drum Disposal Superfund Site in Milford, New Hampshire with the following settling parties: Soiland, Inc. and Stephen H. Trombly. The settlement requires the settling parties to pay \$35,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

The Agency's response to any comments received will be available for public inspection at One Congress Street, Boston, MA 02114-2023.

DATE: Comments must be submitted by September 17, 2008.

ADDRESSES: Comments should be addressed to Gretchen Muency, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100 (SES), Boston, Massachusetts 02114-2023 (Telephone No. 617-918-1896) and should refer to: In re: Grugnale Waste/Drum Disposal Superfund Site, U.S. EPA Docket No. 01-2008-0061.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed settlement may be obtained from Gretchen Muench, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100 (SES), Boston, Massachusetts 02114-2023 (Telephone No. 617-918-1896; E-mail muench.gretchen@epa.gov).

Dated: July 29, 2008.

James T. Owens, III,
Director, Office of Site Remediation and Restoration.

[FR Doc. E8-19089 Filed 8-15-08; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, August 19, 2008 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g. Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION:

Mr. Robert Biersack, Press Officer,
Telephone: (202) 694-1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. E8-18980 Filed 8-15-08; 8:45 am]

BILLING CODE 6715-01-M

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 September 2, 2008.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Michael Scott Anderson*, Dallas, Texas, to acquire voting shares of FVNB Corp., and thereby indirectly acquire voting shares of First Victoria National Bank, both of Victoria, Texas.

Board of Governors of the Federal Reserve System, August 13, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8-19079 Filed 8-15-08; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval,

pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 12, 2008.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Liberty Capital Bancshares, Inc.*, Addison, Texas, to become a bank holding company by acquiring 100 percent of the voting shares of Liberty Capital Bank, Addison, Texas (in organization).

B. Federal Reserve Bank of San Francisco (Kenneth Binning, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. *SCJ, Inc.; CCFW, Inc. dba Carpenter & Company; Carpenter Fund Manager GP, LLC; Carpenter Fund Management, LLC; Carpenter Community Bancfund-A, L.P.; Carpenter Community Bancfund, L.P.; and Carpenter Community Bancfund CA, L.P.*, all of Irvine, California, to become bank holding companies by acquiring 24.3 percent of the voting shares of Mission Community Bancorp., and thereby indirectly acquire voting shares of Mission Community Bank, both of San Luis Obispo, California.

Board of Governors of the Federal Reserve System, August 13, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8-19080 Filed 8-15-08; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Fifth Meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Disease Prevention and Health Promotion.

ACTION: Notice of Meeting.

Authority: 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Committee is governed by the provision of Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The U.S. Department of Health and Human Services (HHS) announces the fifth in a series of federal advisory committee meetings regarding the national health promotion and disease prevention objectives for 2020 to be held in Washington, DC. This meeting will be open to the public. The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 will review the nation's health promotion and disease prevention objectives and efforts to develop goals and objectives to improve the health status and reduce health risks for Americans by the year 2020. The Committee will provide to the Secretary of Health and Human Services advice and consultation for developing and implementing the next iteration of national health promotion and disease prevention goals and objectives and provide recommendations for initiatives to occur during the initial implementation phase of the goals and objectives. HHS will use the recommendations to inform the development of the national health promotion and disease prevention objectives for 2020 and the process for implementing the objectives. The intent is to develop and launch objectives designed to improve the health status and reduce health risks for Americans by the year 2020.

DATES: The Committee will meet for two days: September 4, 2008 from 10:30 a.m. to 6 p.m. Eastern Daylight Time and

September 5, 2008 from 10:30 a.m. to 6 p.m. Eastern Daylight Time.

ADDRESSES: The meeting will be held online, via WebEx software. For detailed instructions about how to make sure that your windows computer and browser is set up for WebEx, please visit the "Secretary's Advisory Committee" page of the Healthy People Web site at: <http://www.healthypeople.gov/hp2020/advisory/default.asp>.

FOR FURTHER INFORMATION CONTACT: Emmeline Ochiai, Designated Federal Officer, Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020, U.S. Department of Health and Human Services, Office of Public Health and Science, Office of Disease Prevention and Health Promotion, 1101 Wootton Parkway, Room LL-100, Rockville, MD 20852, (240) 453-8259 (telephone), (240) 453-8281 (fax). Additional information is available on the Internet at <http://www.healthypeople.gov>.

SUPPLEMENTARY INFORMATION: *Purpose of Meeting:* Every 10 years, through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade, along with the new knowledge of current data, trends, and innovations to develop the next iteration of national health promotion and disease prevention objectives. Healthy People provides science-based, 10-year national objectives for promoting health and preventing disease. Since 1979, Healthy People has set and monitored national health objectives to meet a broad range of health needs, encourage collaborations across sectors, guide individuals toward making informed health decisions, and measure the impact of our prevention and health promotion activities. Healthy People 2020 will reflect assessments of major risks to health and wellness, changing public health priorities, and emerging issues related to our nation's health preparedness and prevention.

Public Participation at Meeting: Members of the public are invited to listen to the online Advisory Committee meeting. There will be no opportunity for oral public comments during the online Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 meeting. Written comments, however, are welcome throughout the development process of the national health promotion and disease prevention objectives for 2020. They can be submitted through the Healthy People Web site at: <http://www.healthypeople.gov/hp2020/comments/> or they can be e-mailed to HP2020@hhs.gov. Please note that the

public comment Web site will be updated throughout the Healthy People development process, so people should return to the site frequently and provide their input.

To listen to the Committee meeting, individuals must pre-register to attend the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 at the Healthy People Web site located at <http://www.healthypeople.gov>. Participation in the meeting is limited. Registrations will be accepted until maximum WebEx capacity is reached and must be completed by close of business Eastern Daylight Time on September 2, 2008. A waiting list will be maintained should registrations exceed WebEx capacity. Individuals on the waiting list will be contacted as additional space for the meeting becomes available.

Registration questions may be directed to Hilary Scherer at HP2020@norc.org (e-mail), (301) 634-9374 (phone) or (301) 634-9301 (fax).

Dated: August 12, 2008.

Carter Blakey,

Acting Director, Office of Disease Prevention and Health Promotion.

[FR Doc. E8-19103 Filed 8-15-08; 8:45 am]

BILLING CODE 4150-32-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health (NCEH)

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), National Center for Environmental Health announces the following committee meeting.

Name: Advisory Committee on Childhood Lead Poisoning Prevention (ACCLPP).

Times and Dates: October 29, 2008, 12:30 p.m.-5 p.m., October 30, 2008, 8:30 a.m.-5 p.m.

Place: The Westin San Diego, 400 West Broadway, San Diego, California 92101
Telephone: 619-338-3613, **fax:** 619-239-4527.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 125 people.

Purpose: The committee provides advice and guidance to the Secretary; the Assistant Secretary for Health; and the CDC Director regarding new scientific knowledge and technologic developments and their practical implications for childhood lead poisoning prevention efforts. The committee also reviews and reports regularly on childhood

lead poisoning prevention practices and recommends improvements in national childhood lead poisoning prevention efforts.

Matter To Be Discussed: Agenda items are subject to change as priorities dictate; however, the current agenda includes:

- Discussion on the potential approaches to strengthen existing strategies to achieve the Healthy People 2010 goal of eliminating elevated blood lead levels as a public health problem in the United States by 2010;
- Update on school performance and concurrent blood lead levels (BLLs);
- Discussion on study designs related to adverse effects from BLLs <10 µg/dL;
- Discussion on the development of a prevention-based research agenda.

Opportunities will be provided during the meeting for oral comments. Depending on the time available and the number of requests, it may be necessary to limit the time for each presenter.

FOR FURTHER INFORMATION CONTACT:

Claudine Johnson, Program Operations Assistant, telephone: 770-488-3629 or Barry Brooks, Administrative Team Leader, telephone: 770-488-3641, Division of Environmental Emergency Health Services, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Hwy, Mailstop F-60, Atlanta, Georgia 30341 telephone: 770-488-3300, fax: 770-488-3635.

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: August 7, 2008.

Daniel Riedford,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8-19044 Filed 8-15-08; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Prostate, Lung, Colorectal and Ovarian Cancer Screening Trial (PLCO) (NCI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on June 6, 2008, Volume 73, Number 110, Page 32338 and allowed 60 days for public comment. In response to the notice, there were no public comments received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: Prostate, Lung, Colorectal and Ovarian Cancer Screening Trial (PLCO). *Type of Information Collection Request:* REVISION (OMB #: 0925-0407, current expiry date 10/31/2008). *Need and Use of Information Collection:* This trial is designed to determine if screening for prostate, lung, colorectal and ovarian cancer can reduce mortality from these cancers which currently cause an estimated 254,900 deaths annually in the U.S. The design is a two-armed randomized trial of men and women aged 55 to 74 at entry. OMB first

approved this study in 1993 and has approved it every 3 years since then through 2008. During the first approval period a pilot study was conducted to evaluate recruitment methods and data collection procedures. Recruitment was completed in 2001 and data collection continues through 2008. When participants enrolled in the trial they agreed to be followed for at least 13 years from the time of enrollment. The current number of respondents in the study is 136,341; this is down from the total initially due to deaths. The primary endpoint of the trial is cancer-specific mortality for each of the four cancer sites (prostate, lung, colorectum, and ovary). In addition, cancer incidence, stage shift, and case survival are to be monitored to help understand and explain results. Biologic prognostic characteristics of the cancers will be measured and correlated with mortality to determine the mortality predictive value of these intermediate endpoints. Basic demographic data, risk factor data for the four cancer sites and screening history data, as collected from all subjects at baseline, will be used to assure comparability between the screening and control groups and make appropriate adjustments in analysis. Further, demographic and risk factor information may be used to analyze the differential effectiveness of screening in high versus low risk individuals. *Frequency of Response:* Annually. *Affected Public:* Individuals. *Type of Respondents:* Adult men and women. The estimated total annual burden hours requested is 11,401. The annualized cost to respondents is estimated at \$219,919 per year, for a total of \$659,756 over the proposed three year renewal. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

TABLE A.12-1—ESTIMATES OF ANNUAL BURDEN HOURS

Type of respondents	Survey instrument	Number of respondents	Frequency of response	Average time per response (hours)	Total annual burden hours
Male and Female Participants	ASU	133,341.00	1.00	5/60	11,111.75
	HSQ	1,333.33	1.00	5/60	111.08
Male Participants	Prostate	1,066.67	1.00	10/60	177.83
Total					11,400.66

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of

the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology.

Direct Comments to OMB: 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 Attention: NIH Desk Officer, Office of Management and Budget, at OIRA_submission@omb.eop.gov or by fax to 202-395-6974. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Christine D. Berg, Chief, Early Detection Research Group, National Cancer Institute, NIH, EPN Building, Room 3070, 6130 Executive Boulevard, Bethesda, MD 20892, or call non-toll-free number 301-496-8544 or e-mail your request, including your address to: Bergc@mail.nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: August 5, 2008.

Vivian Horovitch-Kelley,

*NCI Project Clearance Liaison Office,
National Institutes of Health.*

[FR Doc. E8-18981 Filed 8-19-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; *telephone:* 301/496-7057; *fax:* 301/402-0220. A signed Confidential Disclosure Agreement will

be required to receive copies of the patent applications.

Extracellular Matrix Gene Chips To Detect Metastatic Tumors

Description of Technology: Cancer mortality is primarily associated with metastatic disease and not the primary tumor. Recent evidence suggests that metastatic disease can be an early event and in the majority of patients metastasis starts by the time the disease is diagnosed. Currently however, approximately one third of patients without evidence of tumor dissemination at the time of surgical resection of the primary tumor subsequently develop distant metastases after the tumor is removed. Therefore there is a need for methods of characterizing the early metastatic process for better treatment of cancer.

This invention provides arrays which can be used for detecting the metastatic capacity of a tumor. In particular, these gene chips or microarrays detect the over-expression of the cancer-related extracellular matrix (ECM) modifier proteins Anakin and Bromodomain 4 (Brd4). It has been shown that ECM gene dysregulation is predictive of metastasis in breast cancer and recently Brd4 and Anakin have been identified as metastasis modifiers.

Using the signature profiles of Anakin and Brd4, the inventors have demonstrated that these genes predict survival outcome in affymetrix and glass slide based microarray experiments. As a result, screening for Brd4 and/or Anakin status in tumors could be an important prognostic test and may enable physicians to better stratify patients based on risk of recurrence and progression to metastatic disease.

Applications:

- Detecting metastatic disease in patients diagnosed with cancer.
- Method of characterizing a tumor or cancer by detecting the expression levels of Anakin or Brd4.
- Diagnostic tool to aid clinicians in determining appropriate cancer treatment.

Market:

- Approximately 1,437,180 new cancer cases are expected to be diagnosed in 2008.
- Almost 565,650 people in the U.S. are expected to die of cancer. This is more than 1,500 people a day.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Kent Hunter and Nigel Crawford (NCI).

Patent Status: U.S. Provisional Application No. 60/970,400 filed 06 Sep

2007 (HHS Reference No. E-093-2007/0-US-01).

Licensing Status: Available for licensing.

Licensing Contact: Whitney A. Hastings; 301-451-7337; hastingw@mail.nih.gov.

Collaborative Research Opportunity: The National Cancer Institute Metastasis Susceptibility Section of the Laboratory of Cancer Biology and Genetics is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Brd4 and/or RRP1B (Anakin) prognostic tests. Please contact John D. Hewes, Ph.D. at 301-435-3121 or hewesj@mail.nih.gov for more information.

NUP98-HOXD13 Transgenic Mice

Description of Technology: Myelodysplastic syndrome (MDS) is collection of closely related blood diseases that arise in the bone marrow characterized by anemia, neutropenia, and thrombocytopenia resulting from hematopoietic stem cell disorders. A variety of genetic aberrations have been associated with MDS, including chromosomal translocations of the NUP98 gene. The only current curative therapy for MDS is allogeneic bone marrow transplant. Without bone marrow transplant, patients either die of progressive pancytopenia or following transformation of MDS to acute myeloid leukemia. Progress in understanding and treating MDS has been hampered by a lack of an animal model that accurately recapitulates all of the features of human MDS. Utilizing a NUP98-HOXD13 (hereafter NHD13) fusion gene, a mouse model was developed to elucidate the biology of MDS. Genetically engineered mice that express an NHD13 transgene display all of the phenotypic features of MDS including peripheral blood cytopenia, bone marrow dysplasia, and transformation to acute leukemia. These mice provide an accurate preclinical model for MDS.

Applications: Model to study MDS and evaluate MDS therapy.

Market: 15,000-20,000 new cases of MDS are diagnosed in the U.S.; 80-90% of patients are older than 60 years old.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Peter D. Aplan *et al.* (NCI).

Publications:

1. YW Lin *et al.* Notch1 mutations are important for leukemic transformation in murine models of precursor-T leukemia/lymphoma. *Blood*. 2006 Mar 15;107(6):2540-2543.

2. YW Lin et al., NUP98-HOXD13 transgenic mice develop a highly penetrant, severe myelodysplastic syndrome that progresses to acute leukemia. *Blood*. 2005 Jul 1;106(1):287–295.

Patent Status: HHS Reference No. E-071–2007/0—Research Tool.

Licensing Status: Available for non-exclusive licensing.

Licensing Contact: Jennifer Wong; 301–435–4633; wongje@mail.nih.gov.

Collaborative Research Opportunity: The Leukemia Biology Section, Genetics Branch, National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the NHD13 mouse model. Please contact John D. Hewes, Ph.D. at 301–435–3121 or hewesj@mail.nih.gov for more information.

Conjugates of Ligand, Linker, and Cytotoxic Agent and Related Compositions and Methods of Use

Description of Technology: Systemic toxicity of drugs is one of the most serious problems in cancer chemotherapy and frequently is dose limiting. Specific delivery of cytotoxic drugs to cancer cells remains among the most intractable problems of cancer therapy. Targeted delivery of anti-proliferation drugs through the cell surface receptors that are over expressed on cancer cells can reduce systemic toxicity and increase effectiveness of a treatment.

The present invention describes cytotoxic compounds with an intracellular target that can selectively enter tumor cells through specific receptors on the cell surface. The invention also describes a conjugate comprising a cytotoxic agent, a linker arm and a ligand capable of delivering a cytotoxic agent in a cell specific manner. Such conjugates of a cytotoxic agent and a ligand (delivery moiety) have increased selectivity for tumor cells. The toxic moiety and the ligand are joined by a linker arm that is stable in circulation, but is easily cleaved in lysosomes upon internalization of the conjugate. A panel of compounds comprised of a variety of cytotoxic warheads, against various intracellular targets linked to an assortment of ligands, has been developed and tested in a model system. Ligand moieties of these conjugates are capable of specific delivery of cytotoxic agents to receptors that are frequently over expressed in gastric, colon, lung, breast, ovarian and pancreatic tumors. These compounds have the potential to be highly effective anti-tumor agents with considerably

little negative effect. This disclosed technology could provide new and exciting methodologies to treat cancer.

Applications: Anti-tumor agent for gastric, colon, lung, breast, ovarian and pancreatic tumors.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Nadya I. Tarasova *et al.* (NCI).

Patent Status: U.S. Patent Application No. 10/505,239 filed 19 Aug 2004, claiming priority to 27 Feb 2002 (HHS Reference No. E-057–2002/2-US-02).

Licensing Contact: Adaku Nwachukwu, J.D.; 301/435–5560; madua@mail.nih.gov.

Collaborative Research Opportunity: The National Cancer Institute Structural Biophysics Laboratory is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Conjugates of Ligand, Linker, and Cytotoxic Agent and Related Compositions and Methods of Use. Please contact John D. Hewes, Ph.D. at 301–435–3121 or hewesj@mail.nih.gov for more information.

SH2 Domain Binding Inhibitors

Description of Technology: Signal transduction processes underlie the transfer of extracellular information to the interior of the cell and ultimately to the nucleus. A variety of signal transduction processes are critical for normal cellular homeostasis, with protein-tyrosine kinases (PTKs) playing central roles in many of these pathways. Examples of such PTKs include the PDGF receptor, the FGF receptor, the HGF receptor, members of the EGF receptor family, such as the EGF receptor, erb-B2, erb-B3 and erb-B4, the src kinase family, Fak kinase and the Jak kinase family. Protein-tyrosine phosphorylation that results from the action of PTKs can modulate the activity of certain target enzymes as well as facilitate the formation of specific multi-protein signaling complexes through the actions of homologous protein modules termed Src homology 2 (SH2) domains, which recognize specific phosphotyrosyl containing sequences. A malfunction in this system through tyrosine kinase overexpression and/or deregulation can be manifested by various oncogenic and hyperproliferative disorders, including cancers, inflammation, autoimmune disease, hyperproliferative skin disorders, psoriasis and allergy/asthma, etc. The disclosed compounds, e.g. peptides, preferably, macrocyclic peptides, are Grb2 SH2 domain signaling antagonists with enhanced

binding affinity. The claims of the current application are directed to compositions of matter and methods of use which provide for the diagnosis, testing and treatment of the aforementioned disease states.

Applications: For treatment of cancer, inflammation, autoimmune diseases, hyperproliferative skin disorders, psoriasis and asthma.

Development Status: The technology is currently in an early pre-clinical stage of development.

Inventors: Terrence R. Burke, Jr., *et al.* (NCI).

Patent Status:

- U.S. Patent No. 6,977,241 issued 20 Dec 2005 (HHS Reference No. E-262–2000/0-US-03).

- U.S. Patent Application No. 10/517,717 filed 17 Mar 2005, allowed (HHS Reference No. E-262–2000/1-US-03).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Adaku Nwachukwu, J.D.; 301–435–5560; madua@mail.nih.gov.

Dated: August 7, 2008.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–18982 Filed 8–19–08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/

496-7057; fax: 301/402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Broadly Neutralizing Anti-HIV Monoclonal Antibody That Targets a New Epitope on gp41

Description of Technology: Blocking entry of HIV into cells and vaccine development against HIV are the prime targets of HIV therapy and prevention, respectively. Current invention describes a monoclonal Fab anti-HIV antibody isolated through panning against the chimeric construct NCCG-gp41 by Antibodies-by-Design (Morphosys). One of the antibodies has broadly neutralization ability against several HIV subtypes in an envelope-pseudotyped-virus neutralization assay. This antibody was also shown to have synergistic effect with a gp41-derived peptide discovered in this laboratory in inhibiting HIV-1 fusion.

Applications: Research tool or screening for HIV vaccine.

Advantages: Can be potentially used as a therapeutic agent to block HIV-1 entry into cells.

Development Status: In vitro data available.

Market: For the development of drugs against HIV.

Inventors: G. Marius Clore *et al.* (NIDDK).

Publications:

1. E Gustchina *et al.* A monoclonal Fab derived from a human nonimmune phage library reveals a new epitope on gp41 and neutralizes diverse human immunodeficiency virus type 1 strains. *J Virol.* 2007 Dec;81(23):12946-12953.

2. E Gustchina *et al.* Sequestering the pre-hairpin intermediate of gp41 by peptide N36^{Mut(e,g)} potentiates the human immunodeficiency virus type 1 neutralizing activity of monoclonal antibodies against the N-terminal helical repeat of gp41. *J. Virol.* in press (2008).

Patent Status: HHS Reference No. E-229-2008/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: This invention is available for non-exclusive licensing as a research tool.

Licensing Contact: Sally Hu, Ph.D.; 301-435-5606; HuS@mail.nih.gov.

Collaborative Research Opportunity: The NIH, Laboratory of Chemical Physics is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this monoclonal Fab. Please contact Dr. G.M. Clore at 301-496 0782 and/or e-mail at

mariusc@mail.nih.gov for more information.

Polyamine Compounds That Bind Tar RNA of HIV and Methods of Treating Viral Disorders

Description of Technology: Current HIV treatment involves applying cocktail of drugs targeting either virus entry or one of three viral enzymes. Because patients eventually develop resistance to the cocktail, a new class of drugs is urgently needed. Current invention describes a new class of polyamine compounds that specifically bind to HIV RNA at micromolar range to prevent binding of viral RNA to viral proteins and therefore blocking viral replication. This differs with the mechanisms of current HIV drugs in the market and therefore offers new strategy in HIV treatment and prevention. Furthermore, this class of compound may aid future development of drugs targeting RNA.

Applications: Treatment and prevention of HIV infection.

Advantages: Novel strategy for HIV treatment and prevention; Specific binding to HIV RNA and strong activity.

Development Status: In vitro data available.

Market: HIV therapeutics and preventatives.

Inventors: Daniel Appella *et al.* (NIDDK).

Publications: Manuscripts in preparation.

Patent Status: U.S. Provisional Application No. 61/123,076 filed 04 Apr 2008 (HHS Reference No. E-159-2008/0-US-01).

Licensing Status: This invention is available for exclusive or non-exclusive licensing.

Licensing Contact: Sally Hu, Ph.D.; 301-435-5606; HuS@mail.nih.gov.

Collaborative Research Opportunity: The NIDDK, Laboratory of Bioorganic Chemistry, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the application of TAR-binding polyamines for the treatment of HIV infections. Please contact Daniel Appella at 301-451-1052 or appellad@niddk.nih.gov for more information.

Monoclonal Antibodies to HIV-1 Vpr

Description of Technology: Available for licensing are monoclonal antibodies against HIV-1 viral protein R (Vpr) and the respective hybridoma cell lines expressing the same. The antibodies provide a means for detecting HIV-1 Vpr. Currently, the mechanism of HIV pathogenesis believed to involve viral

replication inside immune cells and other cells. At present, there are no clinical assays for detecting HIV-1 Vpr. Vpr circulates at detectable levels in the blood and is likely derived from degraded virions or released from infected cells. Vpr facilitates viral replication and disrupt normal cell function. Thus measurement of Vpr levels in blood, extracellular fluid, and tissue may be of benefit in understanding the pathogenesis of HIV-1 infection and its myriad complications.

The hybridoma cell lines (9F12 and 10F2) were selected from a group of hybridoma cell lines. These antibodies can be used for detection, including immunoassays (ELISA) and immunoaffinity-capillary electrophoresis. The amount of detected HIV-1 Vpr is compared to a standardized control sample for determining the progress of disease or the presence of known complications like neuropathy, dementia, metabolic syndrome, or nephropathy.

Inventors: Jeffrey Kopp (NIDDK), Terence Philips (NBIB), Schubert Ulrich (NIAID), John Yewell (NIAID).

Patent Status: U.S. Patent Application No. 11/630,880 filed 27 Jun 2005 (HHS Reference No. E-141-2003/0-US-03).

Licensing Status: Available for licensing.

Licensing Contact: Michael Shmilovm, Esq.; 301-435-5019; shmilovm@mail.nih.gov.

Anti-Pax 2 Antibody

Description of Technology: Available for licensing and commercialization are anti-Pax 2 polyclonal antibodies that can be used for the detection of Pax-2 protein expression in a variety of kidney and neuronal tissues. Pax-2 protein, a transcription factor active during early kidney development, is expressed at high levels in almost all renal proliferative diseases such as renal cancer, polycystic kidney disease and acute renal failure.

The Pax-2 protein has also been linked to Wilms' tumor, a cancerous kidney tumor accounting for ~6% of childhood cancers, and for which ~500 new cases are diagnosed each year in the U.S. Wilms' tumors are hard to diagnose in the early stage because they can grow quite large without causing any pain. While abdominal ultrasound may be used for detection, it is not a practical screening test for otherwise healthy children. There are no blood tests or other tests for screening for Wilms' tumors which, if diagnosed sufficiently early, may be treated with surgery, chemotherapy, and/or radiation therapy.

Potential applications of this technology may also include detection of Pax-2 protein in urine for both chronic and acute renal disease.

Applications: Diagnostics for renal diseases; Research tools for evaluating disease processes of the kidney and other tissues through Pax-2 protein expression in the relevant tissues.

Development Status: Ready for commercialization.

Patent Status: HHS Reference No. B-039-1996/0—Research Tool. Patent protection is not being pursued for this technology.

Inventor: Gregory Dressler (NICHD).

Relevant Publications:

1. GR Dressler. Another niche for Notch. *Kidney Int.* 2008 Jun;73(11):1207-1209.
2. SR Patel et al. The BRCT-domain containing protein PTIP links PAX2 to a histone H3, lysine 4 methyltransferase complex. *Dev Cell.* 2007 Oct;13(4):580-592.
3. GR Dressler. The cellular basis of kidney development. *Annu Rev Cell Dev Biol.* 2006;22:509-529.
4. GB Silberstein et al. Expression of the PAX2 oncogene in human breast cancer and its role in progesterone-dependent mammary growth. *Oncogene.* 2002 Feb7;21(7):1009-1016.
5. GR Dressler and AS Woolf. Pax2 in development and renal disease. *Int J Dev Biol.* 1999;43(5):463-468 (Review).
6. GR Dressler. Pax-2, kidney development, and oncogenesis. *Med Pediatr Oncol.* 1996 Nov;27(5):440-444.
7. GR Dressler and EC Douglass. Pax-2 is a DNA-binding protein expressed in embryonic kidney and Wilms tumor. *Proc Natl Acad Sci USA.* 1992 Feb 15;89(4):1179-1183.

Licensing Status: Available for non-exclusive licensing as biological materials (internal use or commercial use).

Licensing Contact: RC Tang, JD, LLM; 301-435-5031; tangrc@mail.nih.gov.

Dated: August 7, 2008.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8-18983 Filed 8-19-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; *telephone:* 301/496-7057; *fax:* 301/402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Species-Independent A3 Adenosine Receptor Agonists

Description of Technology: The A3 adenosine receptor (A3AR) subtype has been linked with helping protect the heart from ischemia, controlling inflammation, and regulating cell proliferation. Agonists of the human A3AR subtype have been described; however, they lack selectivity for the corresponding receptor of the mouse. This poses a problem for clinical development because animal model testing is important for pre-clinical validation of drug function. Consequently, a novel agonist was made that is selective for the mouse A3AR while retaining selectivity for the human receptor. This innovation should facilitate moving A3 agonists into the clinical phase of drug development with confidence.

This invention claims species-independent agonists of A3AR, specifically (N)-methanocarba adenine nucleosides. In addition, it describes pharmaceutical compositions comprising such nucleosides, and methods of use such as administering an effective amount to a mammal.

Applications: cardiac arrhythmias or ischemia; inflammation; stroke; diabetes; asthma; cancer.

Market: Heart disease and cancer are the leading causes of death for both women and men in the United States despite many advances in drug development. Hence, there is a need for drugs with unique mechanism of action. It is noteworthy that the first synthetic adenosine receptor agonist has recently been approved for use in humans.

Development Status: Research quantities of compounds have been synthesized and tested for receptor selectivity.

Inventors: Kenneth A. Jacobson and Artem Melman (NIDDK).

Publication: A Melman *et al.* Design of (N)-methanocarba adenosine 5'-uronamides as species-independent A3 receptor-selective agonists. *Bioorg Med Chem Lett.* 2008 May 1;18(9):2813-2819.

Patent Status: U.S. Provisional Application No. 61/040,985 filed 31 Mar 2008 (HHS Reference No. E-140-2008/0-US-01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Norbert Pontzer, J.D., Ph.D.; 301-435-5502; pontzern@mail.nih.gov.

Fluorescent Cell Lines for Detection of DNA Damage

Description of Technology: The Enhanced Level of Genomic instability 1 (ELG1) protein suppresses genomic instability caused by DNA damage. Cell lines for studying human ELG1 (hELG1) have been established that stably express a fusion protein combining hELG1 and either Green Fluorescent Protein (GFP) or Cyan Fluorescent Protein (CFP). It has been shown that the fluorescent hELG1 is an excellent reporter for DNA damage within the cell, with increased hELG1 localization to the cell nucleus upon exposure to a genotoxin. Therefore, these cell lines may have utility as a screening tool to detect genotoxic agents.

Available for licensing are the RPE cell line (immortalized normal retinal pigment epithelial cells) stably expressing hELG1-CFP, and the U2OS cell line (human osteosarcoma cells) stably expressing hELG1-GFP.

Applications: High-sensitivity screening tool for genotoxic agents.

Inventor: Kyungjae Myung (NHGRI).

Relevant Publication: In preparation.

Patent Status: DHHS Reference No. E-108-2008/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for non-exclusive licensing.

Licensing Contact: Tara L. Kirby, Ph.D.; 301-435-4426; tarak@mail.nih.gov.

Collaborative Research Opportunity: The National Chemical Genomics Center is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the assay for detection of genotoxic agents using RPE cell line having hELG1-CFP. Please contact

Menghang Xia or James Inglese at mxia@mail.nih.gov or jinglese@mail.nih.gov for more information.

August 7, 2008.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8-18984 Filed 8-19-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(cX4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular, Molecular and Integrative Reproduction Study Section.

Date: September 15-16, 2008.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Stuart B. Moss, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301-435-1044, mossstua@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cost-Effectiveness Research.

Date: September 16, 2008.

Time: 10 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (telephone conference call).

Contact Person: Elisabeth Koss, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, (301) 435-1721, kosse@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Behavioral and Economic Evaluation of Medicare Part D.

Date: September 19, 2008.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Valerie Durrant, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 435-3554, durrantv@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Stress, Fitness and Obesity.

Date: September 29, 2008.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Michael Micklin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3136, MSC 7759, Bethesda, MD 20892, (301) 435-1258, micklinm@csr.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Biomedical Computing and Health Informatics Study Section.

Date: October 2, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Bill Bunnag, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892, (301) 435-1177, bunnagb@csr.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Learning and Memory Study Section.

Date: October 2-3, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301-435-1242, driscollb@csr.nih.gov.

Name of Committee: Digestive Sciences Integrated Review Group; Gastrointestinal Cell and Molecular Biology Study Section.

Date: October 2, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Express Fisherman's Wharf, 550 North Point Street, San Francisco, CA 94133.

Contact Person: Najma Begum, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2175, MSC 7818, Bethesda, MD 20892, 301-435-1243, begumn@csr.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Adult Psychopathology and Disorders of Aging Study Section.

Date: October 2-3, 2008.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209.

Contact Person: Alfonso R. Latoni, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, 301-435-0913, latonia@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group; Behavioral Genetics and Epidemiology Study Section.

Date: October 2-3, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar Washington, DC, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Elisabeth Koss, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, (301) 435-1721, kosse@csr.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.

Date: October 2, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Brian Hoshaw, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7844, Bethesda, MD 20892, 301-435-1033, hoshawb@csr.nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.

Date: October 2-3, 2008.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Deborah L. Lewis, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7850, Bethesda, MD 20892, 301-435-1224, lewisdeb@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Molecular and Integrative Signal Transduction Study Section.

Date: October 2–3, 2008.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Raya Mandler, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5134, MSC 7840, Bethesda, MD 20892, (301) 402–8228, rayam@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Cell Structure and Function Study Section.

Date: October 2–3, 2008.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Henley Park Hotel, 926 Massachusetts Avenue, NW., Washington, DC 20001.

Contact Person: Alexandra M. Ainsztein, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892, 301–451–3848, ainsztea@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Membrane Biology and Protein Processing Study Section.

Date: October 2–3, 2008.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: Janet M. Larkin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7840, Bethesda, MD 20892, 310–435–1026, larkinja@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

Date: October 2–3, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Elena Smirnova, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187, MSC 7840, Bethesda, MD 20892, 301–435–1236, smirmove@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section.

Date: October 2–3, 2008.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Vintage Park, 1100 5th Avenue, Seattle, WA 98101.

Contact Person: David R. Jollie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301)–435–1722, jollieda@csr.nih.gov.

Name of Committee: Cardiovascular Sciences Integrated Review Group; Myocardial Ischemia and Metabolism Study Section.

Date: October 2–3, 2008.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: Joyce C. Gibson, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, 301–435–4522, gibsonj@csr.nih.gov.

Name of Committee: Oncological Sciences Integrated Review Group; Chemo/Dietary Prevention Study Section.

Date: October 2–3, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Sally A. Mulhern, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–5877, mulherns@csr.nih.gov.

Name of Committee: Respiratory Sciences Integrated Review Group. Lung Injury, Repair, and Remodeling Study Section.

Date: October 2–3, 2008.

Time: 8 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: Ghenima Dirami, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–594–1321, diramig@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroimmunology and Brain Tumors Study Section.

Date: October 2–3, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Jay Joshi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892, (301) 435–1184, joshij@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Enabling Bioanalytical and Biophysical Technologies Study Section.

Date: October 2, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Vonda K. Smith, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4148, MSC 7806, Bethesda, MD 20892, 301–435–1789, smithvo@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group; Community-Level Health Promotion Study Section.

Date: October 2–3, 2008.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Phoenix Park Hotel, 520 North Capitol Street, NW., Washington, DC 20001.

Contact Person: William N. Elwood, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3162, MSC 7770, Bethesda, MD 20892, 301/435–1503, elwoodwi@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative Applications in Adult Psychopathology and Disorders of Aging.

Date: October 3, 2008.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209.

Contact Person: Alfonso R. Latoni, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, 301–435–0913, latonia@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 8, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–18878 Filed 8–15–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: September 12, 2008.

Closed: 8:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Marriott at Metro Center, 775 12th Street, NW., Washington, DC 20005.

Open: 1 p.m. to Adjournment.

Agenda: Following opening remarks by the Director, NEI there will be presentations by the staff of the Institute and discussions concerning Institute programs.

Place: Marriott at Metro Center, 775 12th Street, NW., Washington, DC 20005.

Contact Person: Andrew P. Mariani, PhD, Acting Executive Secretary, National Advisory Eye Council, Division of Extramural Research, National Eye Institute, National Institutes of Health, Bethesda, MD 20892, (301) 451-2020, apm@nei.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <http://www.nei.nih.gov>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: August 11, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18986 Filed 8-15-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Environmental Health Sciences Council, September 9, 2008, 8:30 a.m. to September 10, 2008, 5 p.m., Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research

Triangle Park, NC, 27709 which was published in the **Federal Register** on August 4, 2008, E8-17728.

Time change for September 9, 2008, open session 8:30 a.m.-3 p.m. and closed 3 p.m.-5 p.m.; September 10, 2008, closed session 8:30 a.m.-4 p.m. The meeting is partially closed to the public.

Dated: August 8, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18873 Filed 8-15-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed 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 on Aging Special Emphasis Panel; FSH and Aging.

Date: September 10, 2008.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue 2C212, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elaine Lewis, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, Suite 2C212, MSC-9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301-402-7707, elainelewis@nia.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 8, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18874 Filed 8-15-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed 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 R25.

Date: September 25, 2008.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6702 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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: August 8, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18876 Filed 8-15-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Genomic Parsing of Bipolar Disorder and Schizophrenia: Independent R01's.

Date: August 12, 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.

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; Genomic Parsing of Bipolar Disorder and Schizophrenia: Collaborative R01's.

Date: August 14, 2008.

Time: 11 a.m. to 2 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.

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: August 8, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18985 Filed 8-15-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Recombinant DNA Advisory Committee.

Date: September 9-10, 2008.

Time: September 9, 2008, 1 p.m. to 5:30 p.m.

Agenda: The Recombinant DNA Advisory Committee will review and discuss selected human gene transfer protocols as well as related data management activities. Please check the meeting agenda at <http://www4.od.nih.gov/oba/RAC/meeting.htm> for more information.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Rooms E1 & E2, Bethesda, MD 20892.

Time: September 10, 2008, 8:15 a.m. to 4 p.m.

Agenda: The Recombinant DNA Advisory Committee will review and discuss selected human gene transfer protocols. There will be a discussion of the review process for single subject protocols and a discussion of biosafety containment and practices for recombinant work with non-contemporary strains of influenza and the highly pathogenic avian influenza strain H5N1. <http://www4.od.nih.gov/oba/RAC/meeting.htm>.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Rooms E1 & E2, Bethesda, MD 20892.

Contact Person: Jacqueline Corrigan-Curay, JD, MD, Executive Secretary, Recombinant DNA Advisory Committee, Office of Biotechnology Activities, OSP, OD, Rockledge 1, Room 750, Bethesda, MD 20892, 301-435-2151, corriganja@od.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www4.od.nih.gov/oba/>, where an agenda and any additional information for the meeting will be posted when available.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers virtually every NIH and Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: August 8, 2008.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-18875 Filed 8-15-08; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276-1243.

Project: The Coordinating Center to Support State Incentive Grants to Build

Capacity for Alternatives to Restraint and Seclusion (OMB No. 0930-0271)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services has funded a Data Collection and Analysis for the Alternatives to Restraint and Seclusion Grant Program. This contract is an evaluation of SAMHSA's State Incentive Grants to Build Capacity for Alternatives to Restraint and Seclusion. These grants are designed to promote the implementation and evaluation of best practice approaches to reducing the use of restraint and seclusion in mental health facilities. Grantees consist of 8 sites (state mental health agencies), all of which will be implementing interventions in multiple facilities (a

total of 21 facilities). These include facilities serving adults and those serving children and/or adolescents, with various subgroups such as forensic and sexual offender populations.

With input from multiple experts in the field of restraint and seclusion and alternatives to restraint and seclusion, the project created a common core of data collection instruments that will be used for this cross-site project. The facilities will complete three different instruments over a 3-year time period: (1) Facility/Program Characteristics Inventory (information about type of facilities, characteristics of persons served, staffing patterns, and unit specific data); (2) Inventory of Seclusion and Restraint Reduction Interventions; (3) Seclusion and Restraint Event Data Matrix (data about restraint and

seclusion rates within facilities and units). Data will be submitted by the sites electronically via a secured Web site.

The Facility/Program Characteristics Inventory and Inventory of Seclusion and Restraint Reduction Intervention will be collected annually. The Seclusion and Restraint Event Data Matrix will be collected monthly.

The resulting data will help to identify the: (1) Number of programs adopting best practices involving alternative approaches to restraint and seclusion; and (2) program's impact of reducing restraint and seclusion use and adoption of alternative practices. The estimated maximal annual response burden to collect this information is by grant year.

TABLE 1. ESTIMATES OF MAXIMAL ANNUALIZED HOUR BURDEN, BY GRANT YEAR

Instrument	No. of respondents	Responses per respondent	Total responses	Average hours per response	Total annual burden (hours)
Grant Year 1					
Facility/Program Characteristic Inventory	21	1	21	2	42
Inventory of Restraint and Seclusion Reduction Interventions	21	1	21	8	168
Seclusion and Restraint Event Data Matrix	Not given during Year 1 ^a				
Total Annual	21	.....	.....	.....	210
Grant Year 2					
Facility/Program Characteristic Inventory	Not given during Year 2				
Inventory of Restraint and Seclusion Reduction Interventions	21	1	21	8	168
Seclusion and Restraint Event Data Matrix	21	29	609	8	4,872
Total Annual	21	.....	.....	.....	5,040
Grant Year 3					
Facility/Program Characteristic Inventory	Not given during Year 3				
Inventory of Restraint and Seclusion Reduction Interventions	21	2	42	8	336
Seclusion and Restraint Event Data Matrix	21	18	378	8	3,024
Total Annual	21	.....	.....	.....	3,360

^a This instrument may be given during Year 1 pending timely OMB approval. If this is the case, some of the responses allotted to Year 2 may be shifted to Year 1 in order to lessen the burden to respondent burden.

Written comments and recommendations concerning the proposed information collection should be sent by September 17, 2008 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202-395-6974.

Dated: August 11, 2008.
Elaine Parry,
Acting Director, Office of Program Services.
 [FR Doc. E8-19052 Filed 8-15-08; 8:45 am]
BILLING CODE 4162-20-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the

Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276-1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Evaluation of the Native American Rehabilitation Association of the Northwest, Inc. (NARA-NW) Native Youth Suicide Prevention Program (NYSP) funded through the Garrett Lee Smith State/Tribal Youth Suicide Prevention and Early Intervention Program—New.

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) is conducting an evaluation of program activities being conducted for a 2005-funded Garrett Lee Smith (GLS) State/Tribal Youth Suicide Prevention and Early Intervention Program grantee. This evaluation effort is planned for the Native Youth Suicide Prevention Program of the Native American Rehabilitation Association of the Northwest, Inc. (NARA-NW) in

Oregon, and builds upon their existing local evaluation that is being implemented and funded through the GLS grant program. The data collected through this evaluation will address the process and impact of program activities for Tribal youth in Oregon. The purpose of the proposed evaluation is to evaluate intermediate- and long-term outcomes associated with suicide prevention program activities being implemented with nine Tribes that NARA-NW serves. The following describes the specific data collection activities and the data collection instruments to be used, followed by a summary table of the number of respondents and the respondent burden:

- Native American Rehabilitation Association of the Northwest, Inc. (NARA-NW) Oregon Native Youth Survey. This component of the evaluation will assess suicide-related risk and protective factors at the individual, family, school, and community levels. The survey will be administered to a convenience sample of 300 youth in targeted communities. Survey participants will be drawn from the estimated 840 eligible youth members in these nine Tribal communities. The exact number of youth recruited from any given Tribe will depend on the size of the youth population, the success of recruitment activities, and the availability of parents/guardians from whom informed consent can be obtained. The survey includes questions related to risk and protective factors at the individual, family, school, and community levels. Risk factors measured by the survey include alienation, rebelliousness, early and persistent antisocial behavior, drug and alcohol abuse in the home, criminal and violent behavior, poverty,

neighborhood cohesion, and community drug use, violence and crime. The survey questions and format were derived primarily from State and Federal surveys currently in use with this population. Additional questions on protective factors were developed by NARA-NW evaluators. The survey includes 110 multiple choice, Likert scale, and open-ended questions which will take approximately 45 minutes to complete.

- Native Youth Suicide Prevention Program Focus Group Moderators Guide. This component will assess the degree to which prevention activities sponsored by Tribes' grant programs had an impact on various risk and protective factors and will help researchers more fully understand the community context in which the Oregon Native Youth Survey is administered. Questions address the degree to which youth feel supported by their community and build on the list of risk and protective factors covered in the survey. One focus group per participating Tribe (for a total of up to nine focus groups) will be conducted in FY 2008. Youth, ages 12-19, who participated in one of the prevention activities undertaken by the Native Youth Suicide Prevention Program in their tribal community, will be recruited for each focus group. Recruitment will be conducted in collaboration with the agency/community group that sponsored the prevention activity. A group of up to 12 participants per participating Tribe will be randomly selected from the pool of eligible youth participants with the informed consent of their parents. The total number of focus group participants will not exceed 72. Groups will last approximately 90 minutes.

ANNUALIZED BURDEN: RESPONDENTS, RESPONSES AND HOURS

Measure name	Number of respondents	Number of responses/respondent	Hours/response	Response burden
Survey	300	1	0.75	225
Focus group	72	1	1.5	108
Total	372	.....	.....	333

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7-1044, One Choke Cherry Road, Rockville, MD 20857 and e-mail her a copy at summer.king@samhsa.hhs.gov. Written comments should be received within 60 days of this notice.

Dated: August 11, 2008.

Elaine Parry,

Acting Director, Office of Program Services.

[FR Doc. E8-19060 Filed 8-15-08; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection

Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276-1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Garrett Lee Smith Campus Case Studies funded through the Garrett Lee Smith Youth Suicide Prevention and Early Intervention Programs—New.

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) is conducting up to six campus cases studies with Garrett Lee Smith (GLS) Youth Suicide Prevention and Early Intervention Campus Program grantees. The GLS Campus Case Studies (CCS) build upon campus' existing local evaluation being implemented and

funded through the GLS grant program. The goal of the CCS is to understand how a public health approach is successfully applied as a model for campus suicide prevention efforts, and will explore, in a systematic manner: the suicide prevention related infrastructures and supports (e.g., clinical and non-clinical) that exist on up to six selected GLS-funded campuses; the various student-level factors that are related to suicide prevention efforts (e.g., protective factors, coping strategies, social norms, and facilitators and barriers to student access and receipt of behavioral healthcare); campus interdepartmental collaboration and the relationship between various efforts to promote student mental health and wellness; and the extent to which the campus infrastructures and supports promote and address these factors.

The data collected through this project will contribute to the knowledge base regarding a successful model for suicide prevention that integrates multiple prevention programs targeting risk and protective behaviors which place students at risk for a host of negative mental and physical health outcomes correlated with suicide, including violence, stress, untreated depression and mental illness, and academic failure. The strategies targeting various populations on campus will also be discussed, as well as the campus policies and procedures which facilitate campus efforts related to mental health promotion and crisis response. The CCS design includes three data collection strategies: (1) Case study key informant interviews (CSIs); (2) focus groups with students, faculty, and staff; and (3) an Enhanced Module to the OMB-approved Suicide Prevention Exposure, Awareness and Knowledge Survey—Student Version (OMB No. 0930-0286) administered to a sample of students. Data collection is planned to commence in fall 2008. CCS activities will be implemented on up to six GLS-funded campuses.

The following describes the specific data collection activities and the data collection instruments to be used, followed by a summary table of the number of respondents and the respondent burden:

- **Enhanced Module for the SPEAKS.** The Enhanced Module will be added to the OMB-approved Suicide Prevention Exposure, Awareness, and Knowledge Survey (SPEAKS)—Student Version (OMB No. 0930-0286). The Enhanced Module examines coping strategies, help-seeking behaviors, awareness of available mental health services, and risk and protective factors across the

student population. Questions include the availability of resources to provide assistance to those at risk for suicide; the types of coping strategies they use when experiencing stress; from whom, if anyone, they would seek help; if they have dealt with mental health issues, sought help, and experienced trauma; and their use of protective factors. The Enhanced Module is Web-based and includes multiple-choice, Likert-scale, and yes/no questions. The Enhanced Module includes 16 items and will take approximately 10 minutes to complete. The Enhanced Module will be administered at each campus once in conjunction with the SPEAKS—Student Version to a random sample of 200 students.

- **Student Focus Group Moderator's Guide.** This component will assess student risk and protective factors related to mental health, help-seeking behaviors, and knowledge of prevention activities on campus and their perceived effectiveness. This will help researchers more fully understand student-level factors in relation to population-level factors addressed by the Enhanced Module for the SPEAKS. Questions address stressors that different groups of students face while in college, barriers to seeking help, attitudes and stigma related to seeking help, and the accessibility of the campus counseling center. Six of the following seven groups of students will participate in focus groups on each campus, as decided by the campus: (1) First-year students, (2) athletes, (3) international students, (4) Lesbian, Gay, Bisexual, and Transgender (LGBT) students, (5) Greek life students, (6) graduate students, and (7) residential advisors/peer educators. Recruitment will be conducted by campus project staff. Focus groups will include a maximum of 9 students. Thus, the total number of student focus group participants will not exceed 324. Groups will last approximately 90 minutes.

- **Faculty/Staff Focus Group Moderator's Guide.** The faculty and staff focus groups will assess the campus' approach to prevention, attitudes and stigma around student mental health and wellness on campus, campus infrastructure supports for students who need mental health help, and the general campus climate around mental health and wellness. Faculty and staff will also describe their knowledge of prevention activities on campus and their perceived effectiveness of these efforts. Local campus staff will recruit appropriate respondents for the faculty and staff focus groups to include a maximum of 9 respondents per group. The total number of participants will

not exceed 162 and groups will last approximately 90 minutes.

- **Case Study Key Informant Interviews** (7 versions). The Case Study Key Informant Interviews (CSIs) include 7 qualitative interview versions: (1) Administrator, (2) Counseling Staff, (3) Coalition Member—Faculty, (4) Prevention Staff, (5) Case Finder, (6) Campus Police, and (7) Student Leader. Local project staff will be responsible for identifying appropriate respondents for each CSI version and scheduling the interview to occur during site visits by the case study team. A total of 16 interviews will be conducted during each campus site visit (a total of up to 192 interviews). The case study team from Macro International Inc. will be responsible for administering the

interviews and is trained in qualitative interviewing. Sixteen individuals from each of the campus sites will be selected as key informants to participate in the CSIs in the first and third stages of the GLS Campus Case Studies, for a total of 64 respondents. Questions on the CSIs include whether respondents are aware of suicide prevention activities, what the campus culture is related to suicide prevention, and what specific efforts are in place to prevent suicide among the campus population. Items are formatted as open-ended and semi-structured questions. The CSIs include 16 to 21 items and will take approximately 60 minutes to complete. On the second site visit, the case study team will incorporate preliminary findings from the case studies in the interviews,

which may be modified to some extent to collect more comprehensive information and gather feedback from local key informants surrounding the context of the preliminary findings. The CSIs for the second site visit will last 60 minutes.

The average annual respondent burden is estimated below. This project is scheduled to be completed in 12 months; thus, the table reflects the total burden for one year, the project length. The estimate reflects the total annual respondents for the project (at which time the CCS would conclude), the average annual number of respondents, the average annual number of responses, the time it will take for each response, and the average burden.

TOTAL AND ANNUAL AVERAGES: RESPONDENTS, RESPONSES AND HOURS

Measure name	Number of respondents	Number of responses per respondent	Hours/response	Response burden
Enhanced Module	1200	1	0.17	204
Focus Group—Student Version	324	1	1.5	486
Focus Group—Faculty Version	108	1	1.5	162
Focus Group—Staff Version	54	1	1.5	81
Interview—Student Leader Version	12	1	1	12
Interview—Case Finder Version	6	1	1	6
Interview—Faculty Version	12	1	1	12
Interview—Campus Police Version	12	1	1	12
Interview—Counseling Staff Version	12	1	1	12
Interview—Prevention Staff Version	18	1	1	18
Interview—Administrator Version	12	1	1	12
Total	590	.....	.....	1317

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7-1044, One Choke Cherry Road, Rockville, MD 20857 and e-mail her a copy at summer.king@samhsa.hhs.gov. Written comments should be received within 60 days of this notice.

Dated: August 11, 2008.

Elaine Parry,

Acting Director, Office of Program Services.
[FR Doc. E8-19071 Filed 8-15-08; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0072]

Privacy Act of 1974: U.S. Immigration and Customs Enforcement, ICE Pattern Analysis and Information Collection (ICEPIC) System of Records

AGENCY: Privacy Office, DHS.

ACTION: Modification to an existing system of records.

SUMMARY: U.S. Immigration and Customs Enforcement (ICE) is republishing the system of records notice (SORN) for the ICE Pattern Analysis and Information Collection (ICEPIC) system to address comments received through the **Federal Register** comment procedure. A minor change has been made to the SORN to update the contact point for individual requests for access to and amendment of records in the system and to propose a new routine use for investigation and remediation of any loss or compromise of personal data from the system, should such a loss or compromise occur.

On January 30, 2008, ICE originally established this system of records and published the SORN and associated proposed rulemaking in the **Federal Register**, 73 FR 5577 and 73 FR 5460 (Jan. 30, 2008). ICE received and considered the public comments, all of which were generally in favor of the system and the proposed rule. In light of the comments received, ICE

concluded that no changes to the SORN are warranted at this time other than the proposed addition of a new routine use and to update the contact point for requests to access and correct system records. A final rulemaking is also published in this issue of the **Federal Register** in which the Department exempts portions of this system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

DATES: The established system of records was effective as of February 29, 2008, based upon the prior ICEPIC system of records notice published on January 30, 2008. Comments are being solicited on the new routine use proposed in this notice. Written comments must be submitted on or before September 17, 2008. The new routine use will be effective September 17, 2008.

ADDRESSES: You may submit comments, identified by docket number DHS-2008-0072 by one of the following methods:

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

- *Fax:* 1-866-466-5370.

- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket, to read background documents, or comments received go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Lyn Rahilly, Privacy Officer, (202-514-1900), U.S. Immigration and Customs Enforcement, 425 I Street, NW., Washington, DC 20536, e-mail: ICEPrivacy@dhs.gov, or Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

Part of ICE's mission is to investigate possible violations of U.S. immigration law. Many times this involves hours of analysis regarding a particular case or operation. As part of the investigative process analysts must identify and understand the relationships among individuals, places, and items that are the subject of investigation.

The ICEPIC Tool builds on earlier ICE initiatives to verify the identity of Special Interest Aliens (SIAs), as designated by the Department of State. In 2003 ICE implemented the National Security Entry Exit Registration System (NSEERS) to manage the growing collection of over 500,000 SIA records. National and international terrorist threats in the 2004 and 2005 timeframe resulted in ICE reviewing not only the SIA records in NSEERS, but also the records of aliens registered with the Student and Exchange Visitor Information System (SEVIS) and entered into the United States Visitor and Immigrant Status Indicator Technology (US VISIT) system as well. Since 2005, ICE's expanding law enforcement role has demanded increasingly sophisticated tools to detect potential violations of immigration and criminal law and terrorist threats.

ICE analyzes relationships among individuals using conventional database queries and link analysis tools; however, traditional link analysis tools

rely on the consistency of key data, such as names and addresses, to establish relationships. If the source data is of poor quality or an individual seeks to conceal his/her identity through intentional, but subtle, changes to names, addresses, and other biographic information, then conventional tools are less effective at recognizing relationships. As a result, investigators and analysts may miss important relationships among suspects, family members, other associates, organizations, addresses, and vehicles.

ICEPIC allows ICE law enforcement agents and analysts to look for non-obvious relationship patterns among individuals and organizations that are indicative of violations of the customs and immigration laws that are enforced by DHS agencies, as well as possible terrorist threats and plots. From these relationships, ICE agents can develop specific leads and law enforcement intelligence for active and new investigations. Identified relationships can also be recorded for reuse in subsequent investigative analyses. The information processed by ICEPIC comes from existing ICE investigative and apprehension records systems, as well as immigration and alien admission records systems. All ICEPIC activity is predicated on ongoing and valid law enforcement investigations.

ICEPIC includes capabilities that assist investigators to record results of analyses performed in support of investigations and to capture additional relevant information obtained from outside sources. The information collected by, on behalf of, in support of, or in cooperation with DHS and its components may contain personally identifiable information collected by other Federal, state, local, tribal, foreign, or international government agencies or organizations.

ICEPIC assists ICE investigators by automating five business processes:

A. Analysis of leads, law enforcement and intelligence reports, referrals, and processing of queries of ICE and DHS information to locate relevant records and produce reports;

B. Integration and resolution of information from multiple ICE and DHS databases to provide leads for law enforcement investigations and disruption of potential terrorist activities;

C. Initiation of analyses that support investigative cases in DHS and field offices and recording the results of beneficial analyses;

D. Production and dissemination of target indicator profiles and other law enforcement intelligence; and

E. Management of analysis workflows and information resources.

Information that is produced or maintained by ICEPIC is used by ICE agents in headquarters and field offices to identify potential violations of customs or immigration law, confirm suspected violations, or investigate potential terrorist threats. ICEPIC is used to identify relationships among different individuals or among records for the same individual from multiple sources when an individual or individuals have been identified as subjects, leads, or associates in an investigative case. In cases where DHS determines that the information would assist in the enforcement of civil or criminal laws, ICE may share the information with the appropriate Federal, State, local, tribal, or foreign governmental agencies or multilateral governmental organizations. Information may also be used by national intelligence community agencies where analysis of the records indicates a potential or confirmed threat of terrorist activity justifying further analysis or investigation. ICE may also share this information with the FBI when ICE becomes aware of information that may be related to an individual in the Terrorist Screening Database.

The Department of Justice (DOJ) and other Federal agencies may use reports generated through ICEPIC in the review, settlement, and prosecution of claims, complaints, and lawsuits involving matters over which ICE exercises jurisdiction or when conducting litigation or in proceedings before any court, adjudicative, or administrative body. This includes any litigation matters where ICE, DOJ, or an employee in his or her official capacity in support of ICE, the United States, or any agency thereof is involved.

For a more detailed description of the origin and purpose of this system and its functionality, the Privacy Impact Assessment published at <http://www.dhs.gov/privacy> (follow link to "privacy impact assessments.").

Because ICEPIC contains information that relates to official DHS national security, law enforcement, immigration, and intelligence activities and is used in support of those activities, the Department published a proposed rulemaking seeking to exempt the ICEPIC system of records from various provisions of the Privacy Act, including the requirement that individuals be provided access to and correction of their own records. These exemptions are permitted by the Privacy Act and are needed to protect information relating to DHS law enforcement or intelligence activities from disclosure to subjects or

others related to these activities. For a complete discussion of the specific exemptions proposed and the reasons they were claimed, please see the notice of proposed rulemaking in the **Federal Register**, 73 FR 5577 (Jan. 30, 2008). A final rulemaking is published concurrently to this notice in this issue of the **Federal Register**.

Public Comments

In the January 30, 2008 publication of the ICEPIC SORN, the Department requested public comments on the SORN and the proposed rulemaking. ICE received and considered the public comments, which are discussed further below, and concluded that no substantive changes to the SORN are warranted at this time. However, ICE is updating the SORN to change the contact information for submission of requests to access and amend records in this system.

Six comments were received. While all comments were in favor of the proposed rule, two commenters also raised specific concerns related to this system of records. Those concerns are addressed below.

One commenter expressed concern that individuals would be unable to ensure their personal information in ICEPIC is accurate unless they are permitted access to their records. Other means exist to verify the accuracy of ICEPIC data and ensure that incorrect data are not used to prejudice that individual. ICEPIC users are trained to verify information obtained from ICEPIC before including it in analytical reports that will be used during investigations or shared with government personnel outside of ICE. Verification procedures include direct queries to the source databases from which ICEPIC originally obtained the information, queries of commercial or other government databases, and ICE agent interviews with individuals or others who are in a position to confirm the ICEPIC data. These procedures mitigate the risk posed by inaccurate data in the system and raise the probability that such data will be identified and corrected before any action is taken that would prejudice an individual. In addition, the source systems from which ICEPIC obtains information may, themselves, have mechanisms in place to ensure the accuracy of the data prior to the information being accessed through ICEPIC.

Another commenter, while in favor of the system, expressed concerns as follows:

“By limiting access to a small number of people, power and responsibility may be monopolized in the hands of some who are

never given a system of checks and balances over their power. The only other concern that I have is that, as domestic and international security policies and concerns shift over time, this proposed rule change will be stagnant. I would propose then that this rule be revisited in the coming years as security threats continue to fluctuate.”

To ensure the system contains appropriate checks and balances to oversee those who have access to ICEPIC information, ICE has established appropriate controls and safeguards that provide oversight of authorized ICEPIC users. All user activity is audited and subject to periodic review to identify unauthorized use or activity. ICE investigates instances of unauthorized or inappropriate access or use of the system and takes appropriate disciplinary actions where violations have occurred.

The commenter also recommended a review of this system in the future because “security threats continue to fluctuate.” ICE and DHS continue to exercise diligence in the response to the evolving threat environment. Should there be a need to substantially alter this system in the future, similar public notice and an opportunity to comment will be provided.

Proposed Routine Use

ICE is proposing to include a new routine use to support the investigation and remediation of any suspected or confirmed compromise of personal data from the system (*i.e.*, a “data breach”). This routine use would allow ICE to share information with other agencies, entities, contractors, or individuals for the purpose of supporting ICE’s efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any risk of harm. ICE is soliciting comments on this proposed routine use pursuant to 5 U.S.C. 552a(e)(11).

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a “system of records.” A “system of records” is a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other particular assigned to the individual. Individuals may request access to their own records that are maintained in a system of records in the possession or under the

control of the Department by complying with the Department’s Privacy Act regulations, 6 CFR part 5.21 and DHS will review each request on a case-by-case basis in light of exemptions taken by ICEPIC.

The Privacy Act requires each agency to publish in the **Federal Register** a description of the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist individuals in finding such files within the agency. In accordance with 5 U.S.C. 552a(r), the Department has provided a report of this revised system of records to the Office of Management and Budget and to the Congress.

SYSTEM OF RECORDS:

DHS–ICE–002.

SYSTEM NAME:

ICE Pattern Analysis and Information Collection.

SECURITY CLASSIFICATION:

Sensitive But Unclassified.

SYSTEM LOCATION:

U.S. Department of Homeland Security Immigration and Customs Enforcement Headquarters data facilities are located in the Virginia suburbs of Washington, DC, with continuity of operations sites in remote locations within the continental United States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals or entities who are associated with investigations, inspections, apprehensions, detentions, patrols, removals, examinations, naturalizations, intelligence production, legal proceedings, or other operations that implement and enforce the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*) and related treaties, statutes, orders, and regulations.

B. Individuals or entities who are associated with investigations, inspections, apprehensions, detentions, law enforcement intelligence production, legal proceedings or other operations that implement and enforce immigration- and customs-related laws, specifically those found in Titles 8, 19, and 31 of the United States Code.

C. Individuals who are respondents, representatives, or witnesses in administrative, civil penalty, or forfeiture proceedings, or defendants, representatives or witnesses in criminal prosecution or extradition proceedings

under immigration or customs-related laws or regulations.

D. Associates of the above individuals and entities who are sources of information relevant to an investigation.

E. Individuals wanted by other law enforcement agencies, including Federal, State, local, tribal, foreign and international, or individuals who are the subject of inquiries, lookouts, or notices by another agency or a foreign government.

F. Individuals, including U.S. Citizens, Lawful Permanent Residents, immigrants and non-immigrants who apply for immigration benefits and/or any form of automated or other expedited inspection for verifying eligibility to cross the borders into the United States.

G. Non-United States citizens and Non-Lawful Permanent Residents who present themselves for entry into and/or exit from the United States, including individuals subject to the requirements and processes of US-VISIT. Individuals covered under US-VISIT include those who are not United States citizens at the time of entry or exit or who are United States citizens or Lawful Permanent Residents who have not identified themselves as such at the time of entry or exit.

H. Individuals unlawfully present in the United States to include persons who have failed to maintain a valid immigration status as well as persons who are otherwise unlawfully present in the United States.

I. Nationals of countries that threaten to wage war, or are at war with the United States, and individuals required to register as agents of foreign governments in the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records come directly from information collected from individuals during DHS or federal enforcement encounters, from information provided by individuals when applying for U.S. immigration benefits or temporary admission to the U.S., or from persons entering or leaving the U.S. Analyzed records include biographical data; biometric identifiers, including fingerprints and photographs; and information or data related to the individual subject's case, including immigration history, alien registration, and other identification or record numbers. The system maintains records used to show relationships across all categories of records. These records include:

A. Information collected from individuals during a DHS enforcement encounter or investigation, including, but not limited to: Names, aliases, dates

of birth, phone numbers, addresses, nationality, identification numbers such as A-File Number, Social Security Number, or driver's license number, and physical characteristics. This information is maintained in the Treasury Enforcement Communications System (TECS), last published October 18, 2001, 66 FR 52984 and in the DHS Enforcement Operational Immigration Records (ENFORCE) system, last published DHS/ICE-CBP-CIS-001-03, ENFORCE/IDENT March 20, 2006, 71 FR 13987;

B. Information collected about individuals during a DHS enforcement encounter or investigation, or provided by other State, local, tribal Federal, or foreign law enforcement or other relevant agencies, including, but not limited to: Names, aliases, nationality, dates of birth, phone numbers, addresses, affiliations, identification numbers such as A-File Number, Social Security Number, or driver's license number, or physical characteristics. This information is maintained in TECS;

C. Biographic information such as names, aliases, dates of birth, phone numbers, addresses, nationality, identification numbers such as A-File Number, Social Security Number, or driver's license number, and immigration violation information obtained from the DHS ENFORCE or successor systems;

D. Biographic information such as names, aliases, dates of birth, phone numbers, addresses, nationality, identification numbers such as A-File Number, Social Security Number, or driver's license number, and descriptive information obtained from U.S. Citizenship and Immigration Services (USCIS) immigration benefits applications and application review findings;

E. Information obtained from other Federal or foreign law enforcement agencies about individuals known or reasonably suspected to be or to have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism;

F. Biographic information and other information such as name, address, and phone number obtained from commercial data providers for individuals identified as prospective leads or suspects in active investigations; and

G. Biographic information such as names, aliases, dates of birth, phone numbers, addresses, nationality, identification numbers such as A-File Number, Social Security Number, or driver's license number, and descriptive information obtained from U.S. Customs and Border Protection (CBP) encounters

at Ports of Entry during border crossings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 8 U.S.C. 1103; 8 U.S.C. 1225(d)(3); 8 U.S.C. 1324(b)(3); 8 U.S.C. 1357(a); 8 U.S.C. 1360(b); 19 U.S.C. 1; and 19 U.S.C. 1509.

PURPOSE:

The purpose of the ICEPIC system is to provide the information technology infrastructure products and services that enable investigators and analysts within ICE and other DHS components to recognize non-obvious person, address, and organizational relationships within existing DHS records systems, and to develop timely, actionable leads needed to accomplish ICE law enforcement and counter-terrorism mission objectives. All ICEPIC activity is predicated on ongoing and valid law enforcement investigations. Current manual and automated processes for research, collation, organization, validation, and analysis of the information in numerous DHS alien registration, entry, intelligence, lookout, and enforcement systems can accomplish similar objectives, but are cumbersome, time-consuming, and error-prone. ICEPIC will provide a reliable, responsive, and secure system to support production of actionable leads and law enforcement intelligence for DHS components and other Federal entities, as appropriate and in conformance with this system of records notice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act, 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ) or other Federal agency in the review, settlement, defense, and prosecution of claims, complaints, and lawsuits involving matters over which ICE exercises jurisdiction, or when conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) DHS; or (b) any employee of DHS in his/her official capacity; or (c) any employee of ICE in his/her individual capacity, where DOJ or DHS has agreed to represent the employee; or (d) the United States, or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines

that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To appropriate Federal, State, local, tribal, or foreign governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where DHS determines that the information would assist in the enforcement of domestic and foreign civil or criminal laws.

C. To U.S. agencies of the national intelligence community or through established liaison channels to selected foreign governments where analysis of the records indicates a potential or confirmed threat of terrorist activity justifying further analysis or investigation.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function. Those provided information under this routine use are subject to the same Privacy Act limitations as are applicable to DHS officers and employees.

E. To the National Archives and Records Administration (NARA) or other Federal agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Those provided information under this routine use are subject to the same Privacy Act limitations as are applicable to DHS officers and employees.

G. To appropriate Federal, State, tribal, local, or foreign law enforcement, intelligence, and regulatory agencies, foreign governments, and international law enforcement organizations, for example: the Department of Defense; the Department of State; the Department of the Treasury; the Central Intelligence Agency; the Selective Service System; the United Nations; and INTERPOL; as well as to other individuals and organizations during the course of an investigation by DHS or the processing of a matter under DHS's jurisdiction, or during a proceeding within the purview of the immigration and nationality laws,

when DHS deems that such disclosure is necessary to elicit information required to accomplish the purposes described in this paragraph.

H. To an appropriate Federal, State, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence, but only when the disclosure is appropriate to the proper performance of the official duties of the person receiving the disclosure.

I. To an appropriate Federal, State, local, tribal, or foreign government agency, international organization, or private organization where the President or the Secretary of the Department of Homeland Security has declared an event to be a National Special Security Event, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit, but only when disclosure is appropriate to the proper performance of the official duties of the person making the request, and;

J. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) DHS has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information, or harm to the individual; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically at one or more ICE data centers that are located in secure facilities. The records are stored on magnetic disc, tape, digital media, and optical media, and may also be retained in hard copy format in secured file folders.

RETRIEVABILITY:

Data are retrievable by an individual's name, Social Security Number, A-File Number, or other unique identifier, as well as by non-identifying information such as address or date of entry into the United States.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws and policies, including the DHS information technology security policies and the Federal Information Security Management Act (FISMA). All records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. These safeguards include restricting access to authorized personnel who have a need-to-know, using locks, and password protection features. The system is also protected through a multi-layer security approach. The protective strategies are physical, technical, administrative and environmental in nature, which provide access control to sensitive data, physical access control to DHS facilities, confidentiality of communications, authentication of sending parties, and personnel screening to ensure that all personnel with access to data are screened through background investigations commensurate with the level of access required to perform their duties. The system also maintains a real-time auditing log of individuals who access and update the system. Audit logs are reviewed and analyzed for unauthorized and inappropriate system usage. DHS will investigate instances of unauthorized or inappropriate access or use of the system and take appropriate disciplinary actions where violations have occurred.

RETENTION AND DISPOSAL:

The National Archives Records Administration has not yet approved a retention schedule for this system of records. Because a history of Federal law enforcement interactions with

persons and organizations is essential to detecting criminal and terrorist patterns of behavior and locating leads in current investigations, ICE has proposed to retain records in ICEPIC for ten (10) years from ICE's last use of the individual's data, and then archive the information for an additional five (5) years. After the five (5) year period, information will be destroyed unless it has become relevant to a legal action, at which point the retention schedule would reset.

SYSTEM MANAGER(S) AND ADDRESS:

Unit Chief, Program Management Oversight, Mission Support, Office of Investigations, U.S. Immigration and Customs Enforcement, 425 I Street, NW., Washington, DC 20536, telephone: (202) 307-6201.

NOTIFICATION PROCEDURES:

Pursuant to 5 U.S.C. 552a(j) and (k), this system of records may not be accessed by members of the public for purposes of determining if the system contains a record pertaining to a particular individual. Nonetheless persons may seek access to records maintained in ICEPIC as outlined in the Record Access Procedures section below. Requests for such access will be reviewed on a case-by-case basis.

RECORD ACCESS PROCEDURES:

ICEPIC is exempt from record access procedures pursuant to 5 U.S.C. 552a(j) and (k). Nonetheless persons may seek access to records maintained in ICEPIC by contacting U.S. Immigration and Customs Enforcement Freedom of Information Act Office, 800 North Capitol Street, NW., Room 585, Washington, DC 20536. Individuals must submit their request and use the form found at <http://www.ice.gov/doclib/g-639.pdf>. Requests for such access will be reviewed on a case-by-case basis to ensure that the records meet the requirements set out by the Privacy Act.

CONTESTING RECORD PROCEDURES:

This system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G) and (H), and (f) pursuant to 5 U.S.C. 552a(j)(2), (k)(2); however, requests for amendment of records may be reviewed on a case-by-case basis. Follow the "Record Access Procedures" noted above.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from DHS investigators, other DHS law enforcement officers, other Federal, State, foreign and tribal law enforcement and intelligence agencies, public records, commercial

data aggregators, and immigration and alien admission records systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act, portions of this system are exempt from 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5) and (e)(8); (f), and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in those subsections: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f). In addition, to the extent a record contains information from other exempt systems of records, ICE will rely on the exemptions claimed for those systems.

Dated: August 11, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-19031 Filed 8-15-08; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2007-0054]

Privacy Act of 1974; United States Citizenship and Immigration Services; Fraud Detection and National Security Data System (FDNS-DS) System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: The USCIS has developed the Fraud Detection and National Security Data System (FDNS-DS), a case management system used to record, track, and manage immigration inquiries, investigative referrals, law enforcement requests, and case determinations involving benefit fraud, criminal activity, public safety and national security concerns.

DATES: Written comments must be submitted on or before September 17, 2008.

ADDRESSES: You may submit comments, identified by docket number DHS-2007-0054 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 1-866-466-5370.
- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: United States Citizenship and Immigration Services, Privacy Officer, Donald Hawkins, 111 Massachusetts Avenue, NW., Washington, DC 20529. For privacy issues please contact: Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Fraud Detection and National Security (FDNS) of the United States Citizenship and Immigration Services (USCIS) has developed a new system named the Fraud Detection and National Security Data System (FDNS-DS). FDNS-DS is a central repository that permits specially-trained employees to record, track, and manage the background checks and adjudicative processes related to immigration applications and petitions with suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns, and cases randomly selected for benefit fraud assessments (BFAs). The system will also have the capability to track the following:

1. USCIS investigative referrals to law enforcement agencies (LEAs);
2. LEA referrals to USCIS concerning subjects with pending immigration benefit applications or petitions;
3. background check referrals and resolutions associated with suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns; and
4. any additional inquiries conducted in order to confirm that the information on file is correct.

FDNS has created FDNS-DS, a centralized data system, in order to increase the effectiveness of United States (U.S.) immigration system in identifying threats to national security, combating benefit fraud, and locating and removing vulnerabilities that compromise the integrity of the legal immigration system. With the implementation of FDNS-DS, USCIS's capabilities for detecting and tracking

benefit fraud and other criminal activity—and conducting efficient and accurate background check resolutions and adjudication of national security cases will be increased.

In order to achieve the goals discussed above, FDNS–DS will store data related to immigration applications involving suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns. The data will include the results of required background checks conducted in connection with pending petitions/applications that results in subsequent inquiries conducted to resolve the background check results. FDNS–DS will also contain the following information related to cases involving suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns: USCIS investigative referrals to law enforcement agencies (LEAs) of suspected or confirmed fraud or other criminal activity; LEA referrals to USCIS related to pending applications; referrals to USCIS from the public or other governmental entities or fraud case referrals from the Benefit Fraud Assessment (BFA) process (“other referrals”); adverse information identified by USCIS from applications, administrative files, interviews, written requests for evidence (RFEs) or site visits; results of resolution of any of the above-described categories of adverse information; and adjudicative summaries and decisions.

As noted above, FDNS–DS will store information concerning cases randomly selected for BFAs and will track interactions with Immigration and Citizenship Enforcement (ICE) and other LEAs (*e.g.*, the Federal Bureau of Investigation [FBI], the Drug Enforcement Administration [DEA], and U.S. Customs and Border Protection [CBP]) in cases involving fraud or other criminal activity, and the Department of State in cases involving fraud related to selected types of visas for entry into the United States.

USCIS may elect to withhold any related law enforcement sensitive information relating to a requestor, which could possibly compromise ongoing criminal investigations if released to the requestor, pursuant to the Privacy Act, 5 U.S.C. 552a(k)(2).

Types of information sharing that may result from the routine uses outlined in this notice include: (1) Disclosure to individuals who are working as a contractor or with a similar relationship working on behalf of DHS; (2) sharing with Congressional offices asking on behalf of an individual; (3) sharing when there appears to be a specific

violation or potential violation of law, or identified threat or potential threat to national or international security, such as criminal or terrorist activities, based on individual records in this system; (4) sharing with the National Archives and Records Administration (NARA) for proper handling of government records; (5) sharing when relevant to litigation associated with the Federal government; and (6) sharing to protect the individual who is the subject of the record from the harm of identity theft in the case of a data breach affecting this system.

Consistent with DHS’s information sharing mission, information stored in the FDNS–Ds may be shared with other DHS components, as well as appropriate Federal, State, local, tribal, foreign, or international government agencies. This sharing will only take place after DHS determines that the receiving component or agency has a need to know the information to carry out national security, law enforcement, immigration, intelligence, or other functions consistent with the routine uses set forth in this system of records notice.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a “system of records.” A “system of records” is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and legal permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR Part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which

personally identifiable information is put, and to assist individuals to more easily find such files within the agency. Below is the description of the Fraud Detection and National Security Data System system of records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this new system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS:

DHS/USCIS–006.

SYSTEM NAME:

United States Citizenship and Immigration Services Fraud Detection and National Security Data System (FDNS–DS).

SECURITY CLASSIFICATION:

Sensitive But Unclassified.

SYSTEM LOCATION:

Records are maintained at the USCIS FDNS Headquarters in Washington, DC and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include: Individuals covered by provisions of the Immigration and Nationality Act of the United States, 8 U.S.C. 1101 *et seq.*, including but not limited to applicants, beneficiaries, petitioners, and their authorized representatives (who may be U.S. citizens, lawful permanent residents, or aliens) submitting applications or petitions for immigration benefits. Individuals who are the subjects of administrative and/or criminal investigations, individuals who have submitted potentially fraudulent petitions and applications for immigration benefits, individuals whose petitions or applications have been randomly selected for assessment of the effectiveness of fraud detection programs (*i.e.*, BFAs), and individuals of concern based on possible national security reasons, public safety concerns or criminal activity. The system will contain information about organizations that may have submitted applications or petitions (*e.g.*, preparers, representatives, and petitioning organizations) on behalf of individuals and may contain information on individuals that are associated with an application but not actually applying for a benefit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Individual’s name;
- Alias;

- Social Security Number;
- A-Number;
- Associated A-Numbers of close relatives and associates;
- Receipt Number;
- Address (home and business);
- Date and place of birth;
- Country of citizenship;
- Citizenship status;
- Gender;
- Telephone number(s);
- E-mail address;
- Place of employment and employment history;
- Organizations (Place of business or place of worship, if place of worship is sponsoring the applicant);
- Family lineage;
- Bank account information and/or financial transaction history;
- Marriage record;
- Civil or criminal history information;
- Uniform resource locators (URLs);
- Education record;
- Internet protocol addresses;
- Biometric identifiers (Photographic facial image, fingerprints);
- TECS, NCIC, and data and analysis resulting from the investigation or routine background checks performed as part of the adjudication process;
- any other unique identifying number or characteristic.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Purpose(s):

The purpose of this system is to increase the effectiveness of the U.S. immigration system in identifying threats to national security, combating benefit fraud, and locating and removing vulnerabilities that compromise the integrity of the legal immigration system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (including U.S. Attorneys' offices) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;

3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. §§ 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. USCIS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. USCIS has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity), or harm to the individual that relies upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USCIS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or

implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To Federal and foreign government intelligence or counterterrorism agencies when USCIS reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when DHS reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure;

I. To the Department of State in the processing of petitions or applications for benefits under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements.

J. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disks that are backed up to disk and tape media.

RETRIEVABILITY:

Records may be retrieved by utilizing multiple data points that include an individual's last name, A-Number, Receipt Number, Date of Birth or other unique identifier.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

RETENTION AND DISPOSAL:

The National Archives Records Administration has not approved a retention schedule for this system of records. USCIS has proposed a retention period of 15 years from the date of the last interaction between FDNS personnel and the individual after which time the record will be deleted from FDNS-DS. The 15-year retention schedule is proposed to provide FDNS with access to information that is critical to the investigation of suspected or confirmed fraud, criminal activity, egregious public safety, and/or national security concerns. Upon closure of a case, any information that is needed to make an adjudicative decision (such as a statement of findings report), whether there was or was not an indication of fraud, criminal activity, egregious public safety, and/or national security concerns, will be transferred to the A-File and maintained under the A-File retention period, which is currently 75 years.

SYSTEM MANAGER AND ADDRESS:

Chief Information Officer, United States Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the component's FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under "contacts." If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive,

SW., Building 410, STOP-0550, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted to you under 28 U.S.C. 1746, a law that permits statements to be made under penalty or perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Identify which component(s) of the Department you believe may have the information about you,
- Specify when you believe the records would have been created,
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) will not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Parties who file USCIS applications supply the basic information contained in this system. Other information comes from petitions, law enforcement and intelligence agencies, public institutions, interviews of witnesses, public records, sworn statements, official reports, commercial data aggregators, and from members of the general public.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Secretary of Homeland Security has exempted this system from 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) pursuant to 5 U.S.C.

552a(k)(2). These exemptions apply only to the extent that records in the system are subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

Dated: August 11, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-19032 Filed 8-15-08; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1768-DR]

Wisconsin; Amendment No. 15 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Wisconsin (FEMA-1768-DR), dated June 14, 2008, and related determinations.

DATES: *Effective Date:* August 8, 2008.

FOR FURTHER INFORMATION CONTACT:

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the President's June 30, 2008, amended declaration authorizing Federal funds for emergency protective measures, including direct Federal assistance, at 90 percent Federal funding of total eligible costs under the Public Assistance program, the National Oceanic and Atmospheric Administration's National Weather Service River Forecast Center has established that the rivers in the State of Wisconsin, which have experienced historical flooding, fell below flood stage on July 26, 2008.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036,

Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–19006 Filed 8–15–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1771–DR]

Illinois; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois (FEMA–1771–DR), dated June 24, 2008, and related determinations.

DATES: *Effective Date:* August 8, 2008.

FOR FURTHER INFORMATION CONTACT:

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the President's June 30, 2008, amended declaration authorizing Federal funds for emergency protective measures, including direct Federal assistance, at 90 percent Federal funding of total eligible costs under the Public Assistance program, the National Oceanic and Atmospheric Administration's National Weather Service River Forecast Center has established that the rivers in the State of Illinois, which have experienced historical flooding, fell below flood stage on August 6, 2008.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–19016 Filed 8–15–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1766–DR]

Indiana; Amendment No. 16 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–1766–DR), dated June 8, 2008, and related determinations.

DATES: *Effective Date:* July 31, 2008.

FOR FURTHER INFORMATION CONTACT:

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Stephen M. DeBlasio Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Michael H. Smith as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–19002 Filed 8–15–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1766–DR]

Indiana; Amendment No. 17 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–1766–DR), dated June 8, 2008, and related determinations.

DATES: *Effective Date:* August 6, 2008.

FOR FURTHER INFORMATION CONTACT:

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 8, 2008.

Wabash County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8–19005 Filed 8–15–08; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[FEMA-1766-DR]****Indiana; Amendment No. 18 to Notice of a Major Disaster Declaration****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA-1766-DR), dated June 8, 2008, and related determinations.

DATES: *Effective Date:* August 8, 2008.**FOR FURTHER INFORMATION CONTACT:**

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 8, 2008.

Wayne County for Public Assistance (already designated for Individual Assistance and emergency protective measures [Category B], limited to direct Federal assistance, under the Public Assistance program.)

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8-19023 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-10-P**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****[FEMA-1763-DR]****Iowa; Amendment No. 15 to Notice of a Major Disaster Declaration****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA-1763-DR), dated May 27, 2008, and related determinations.

DATES: *Effective Date:* August 6, 2008.**FOR FURTHER INFORMATION CONTACT:**

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 27, 2008.

Appanoose, Monroe, and Ringgold Counties for Individual Assistance (already designated for Public Assistance.)

Clarke County for Individual Assistance and Public Assistance.

Wayne County for Public Assistance. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8-19009 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-10-P**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****[FEMA-1780-DR]****Texas; Amendment No. 3 to Notice of a Major Disaster Declaration****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA-1780-DR), dated July 24, 2008, and related determinations.

DATES: *Effective Date:* August 9, 2008.**FOR FURTHER INFORMATION CONTACT:**

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 24, 2008.

Cameron, Hidalgo, and Willacy Counties for Public Assistance [Categories C-G] (already designated for Individual Assistance and debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program.)

Brooks, Kenedy, and Starr Counties for Public Assistance [Categories C-G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8-19011 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[FEMA-1780-DR]****Texas; Amendment No. 2 to Notice of a Major Disaster Declaration****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA-1780-DR), dated July 24, 2008, and related determinations.

DATES: *Effective Date:* August 1, 2008.**FOR FURTHER INFORMATION CONTACT:**

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective August 1, 2008.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E8-19021 Filed 8-15-08; 8:45 am]

BILLING CODE 9110-10-P

environmental assessment; request for comments.

SUMMARY: This notice advises that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a Comprehensive Conservation Plan (CCP) and associated environmental documents for the Benton Lake National Wildlife Refuge Complex (Complex) in Montana, which includes the Benton Lake National Wildlife Refuge (NWR), Lost Trail NWR, Blackfoot Valley Wildlife Management Area, Rocky Mountain Front Conservation Area, Benton Lake Wetland Management District (WMD), Swan River NWR, and the Northwest Montana Flathead County WMD.

The Service is furnishing this notice in compliance with Service CCP policy to advise other agencies and the public of its intentions, and to obtain suggestions and information on the scope of issues to be considered in the planning process.

DATES: Written comments must be received by September 17, 2008.

ADDRESSES: Comments and requests for more information regarding the Benton Lake NWR Complex should be sent to Toni Griffin, Planning Team Leader, Division of Refuge Planning, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, 303-236-4378, or John Esperance, Chief, Branch of Comprehensive Conservation Planning at 303-236-4369.

SUPPLEMENTARY INFORMATION: The Service has initiated the CCP for the Benton Lake NWR Complex with headquarters in Great Falls, Montana.

Each unit of the National Wildlife Refuge System has specific purposes for which it was established and for which legislation was enacted. Those purposes are used to develop and prioritize management goals and objectives within the National Wildlife Refuge System mission, and to guide which public uses will occur on the Complex. The planning process is a way for the Service and the public to evaluate management goals and objectives for the best possible conservation efforts of this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with the Complex's establishing purposes and the mission of the National Wildlife Refuge System.

The Service will conduct a comprehensive conservation planning process that will provide opportunity for Federal, Tribal, State, and local governments; agencies; organizations;

and the public to participate in issue scoping and public comment. The Service is requesting input for issues, concerns, ideas, and suggestions for the future management of the Complex. Anyone interested in providing input is invited to respond to the following two questions.

(1) What problems or issues do you want to see addressed in the CCP?

(2) What improvements would you recommend for the Benton Lake NWR Complex?

The Service has provided the above questions for your optional use; you are not required to provide information to the Service. The Planning Team developed these questions to facilitate finding out more information about individual issues and ideas concerning the Complex. Comments received by the Planning Team will be used as part of the planning process; individual comments will not be referenced in our reports or directly responded to.

An opportunity will be given to the public to provide input at a public meeting to scope issues and concerns (schedule can be obtained from the Planning Team Leader at the above address). Comments may also be submitted anytime during the planning process by writing to the above address. All information provided voluntarily by mail, phone, or at public meetings becomes part of the official public record (i.e., names, addresses, letters of comment, input recorded during meetings). If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide informational copies.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); NEPA Regulations (40 CFR 1500-1508); other appropriate Federal laws and regulations; and Service policies and procedures for compliance with those regulations. All comments received from individuals on Service Environmental Assessments and Environmental Impact Statements become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act, NEPA (40 CFR 1506.6(f)), and other Departmental and Service policies and procedures. When requested, the Service generally will provide comment letters with the names and addresses of the individuals who wrote the comments. However, the telephone number of the commenting individual will not be provided in response to such requests to the extent permissible by law. Additionally, public

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****[FWS-R6-R-2008-N0113; 60138-1265-6CCP-S3]****Benton Lake National Wildlife Refuge Complex, MT****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of intent to prepare a comprehensive conservation plan and

comment letters are not required to contain the commentator's name, address, or any other identifying information. Such comments may be submitted anonymously to the Service.

Date: May 15, 2008.

Gary G. Mowad,
Acting Regional Director.

Editorial Note: This document was received in the Office of the Federal Register on August 13, 2008.

[FR Doc. E8-19085 Filed 8-15-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2008-N0193; 1112-0000-81440-F2]

Receipt of an Application for an Incidental Take Permit for the Santa Cruz Gardens Low-Effect Habitat Conservation Plan, Santa Cruz County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Porter-Livingston Development, Inc., a California-based corporation, and O'Hara-Balfour LP, a California Limited Partnership, (Applicants), have applied to the U.S. Fish and Wildlife Service (Service or "we") for an incidental take permit (permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). We are considering issuing a 10-year permit to the Applicants that would authorize take of the federally endangered Ohlone tiger beetle (*Cicindela ohlone*) incidental to otherwise lawful activities associated with the construction of nine new single-family residences on 2.96 acres of a 58.5-acre property in Aptos, Santa Cruz County, California. Effects from covered activities on, and conservation measures for, the federally threatened Santa Cruz tarplant (*Holocarpha macradenia*) and the non-listed Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*) are also being considered.

We are requesting comments on the permit application and on our preliminary determination that the proposed Habitat Conservation Plan (HCP) qualifies as a "low-effect" HCP, eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended. We explain the basis for this possible determination in a draft Environmental Action Statement (EAS) and associated Low Effect

Screening Form. The Applicants' low effect HCP describes the mitigation and minimization measures they would implement, as required in section 10(a)(2)(B) of the Act, to address the effects of the project on the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The draft HCP and EAS are available for public review.

DATES: Written comments should be received on or before September 17, 2008.

ADDRESSES: Please address written comments to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Ventura, California 93003. You may also send comments by facsimile to (805) 644-3958. To obtain copies of draft documents, see "Availability of Documents" under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Douglass Cooper, Fish and Wildlife Biologist, (see **ADDRESSES**) telephone: (805) 644-1766, extension 272.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of the application, HCP, and EAS by contacting the Fish and Wildlife Biologist (see **FOR FURTHER INFORMATION CONTACT**). Documents will also be available for review by appointment, during normal business hours, at the Ventura Fish and Wildlife Office (see **ADDRESSES**) or via the Internet at: <http://www.fws.gov/ventura>.

Background

Section 9 of the Act and Federal regulation prohibit the "take" of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to authorize incidental take; i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22, respectively. The taking prohibitions of the Act do not apply to federally listed plants on private lands unless such take would violate State law. Among other criteria, issuance of such permits must not jeopardize the existence of federally listed fish, wildlife, or plants.

The Applicant owns 58.5 acres of property (Santa Cruz Gardens) that includes coastal terrace prairie, mixed grassland, non-native grassland, coastal scrub, coast live oak woodland, and riparian habitats. The project site is located in the Live Oak Planning Area, an unincorporated part of Santa Cruz County, north of the town of Soquel. Santa Cruz Gardens is situated approximately one-third of a mile north of Soquel Avenue and west of Rodeo Gulch Road. The property is bounded (approximately) by the terminus of Benson Avenue, Tiffany Court, and residential areas to the south; Thurber Lane to the west; Winkle Avenue and undeveloped lands to the north; and Rodeo Gulch Road to the east. Currently, the project site is undeveloped, but ranching, including grazing horses and/or livestock, previously occurred there. Existing surrounding land uses include single-family homes to the north and south, and commercial and higher-density multi-family housing to the south along Soquel Drive. Lower-density residential is located east of the site along Rodeo Gulch and across Thurber Lane to the west. The Applicant proposes to construct nine single-family residences, which include the footprints of the homes and associated access roads, driveways, sidewalks, and underground utilities on 2.96 acres of land. Development of this portion of the project site will result in the loss of approximately 1.24 acres of coastal prairie, 0.87 acre of mixed grassland-scrub mosaic, 0.65 acre of coast live oak woodland and eucalyptus groves, and 0.2 acre of an existing emergency access road.

The Applicant proposes to implement the following measures to minimize and mitigate take of the Ohlone tiger beetle and effects to the Santa Cruz tarplant and Gairdner's yampah, including: Preserve (under a conservation easement), manage, and monitor a 9.3-acre coastal prairie/grassland management area for the benefit of the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah; hire a Service-approved monitor and biologist; implement a construction worker education program; ensure monitoring of all grading, clearing, and other ground disturbing activities; mark construction area boundaries; construct drift fencing around the construction area; control trash accumulation and install covered trash receptacles; remove invasive, nonnative plant species; construct signs; use best management practices; and implement other minimization measures. The

conservation easement would be held by the Center for Natural Lands Management, a non-profit conservation organization located in Fallbrook, California.

The impacts from the construction activities and use of the property associated with this residential construction project are considered to be negligible to the three species as a whole because: (1) The amount of habitat being disturbed is small relative to the amount of habitat available within the Applicant's property, Santa Cruz area, and within the range of the species; (2) no individual Santa Cruz tarplants and Gairdner's yampahs have been observed above ground in the project site since 1993; (3) most of the areas that will be disturbed during construction support few if any Ohlone tiger beetles; and (4) construction activities are expected to have negligible effects to the three covered species at the property.

The Service's proposed action is to issue an incidental take permit to the Applicant, who would then implement the HCP. Two alternatives to the taking of listed species under the proposed action are considered in the HCP. Under the No-Action Alternative, no permit would be issued, the proposed project would not occur, and the HCP would not be implemented. This would avoid immediate effects of construction and use of the property on the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah. However, under this alternative, the Applicant would not be able to develop the property, and conservation measures for the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah would not be implemented. A second alternative would result in a redesigned project with the reduction in the number of homes constructed and/or relocation of the development footprint to another portion of the parcel. However, much of the property is too steep to be developed, and relocation of the footprint elsewhere on the property would result in the removal of coastal terrace prairie that is known to be occupied by, and provides essential habitat for, the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah. The Service considers the proposed development footprint as more desirable than development elsewhere on the property because the modification of habitat for the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah would be minimal, and establishment of a conservation easement would benefit the three species.

The Service has made a preliminary determination that the HCP qualifies as a "low-effect" habitat conservation plan as defined by its Habitat Conservation Planning Handbook (November 1996). Our determination that a habitat conservation plan qualifies as a low-effect plan is based on the following three criteria: (1) Implementation of the plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the plan, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. As more fully explained in our EAS and associated Low Effect Screening Form, the Applicant's proposed HCP qualifies as a "low-effect" plan for the following reasons:

(1) Approval of the HCP would result in minor or negligible effects on the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah and their habitats. The Service does not anticipate significant direct or cumulative effects to the Ohlone tiger beetle, Santa Cruz tarplant, or Gairdner's yampah resulting from development and use of the Santa Cruz Gardens site.

(2) Approval of the HCP would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

(3) Approval of the HCP would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety.

(4) The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

(5) Approval of the HCP would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has made a preliminary determination that approval of the HCP qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this

preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

We will evaluate the permit application, the HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, the Service will issue a permit to the Applicant.

Public Review and Comment

If you wish to comment on the permit application, draft Environmental Action Statement or the proposed HCP, you may submit your comments to the address listed in the **ADDRESSES** section of this document. Our practice is to make comments, including names, home addresses, etc., of respondents available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must provide a rationale demonstrating and documenting that disclosure would constitute a clearly unwarranted invasion of privacy. In the absence of exceptional, documented circumstances, this information will be released. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

The Service provides this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: August 11, 2008.

Diane K. Noda,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. E8-19074 Filed 8-15-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14837-A, F-14837-E2; AK-965-1410-KC-P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving the surface and subsurface estates in certain lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Beaver Kwit'chin Corporation. The lands are in the vicinity of Beaver, Alaska, and are located in:

Fairbanks Meridian, Alaska

T. 18 N., R. 1 E.,
Secs. 1 to 12, inclusive;
Secs. 16 to 21, inclusive.
Containing approximately 9,821 acres.

T. 17 N., R. 4 E.,
Secs. 4 to 9, inclusive;
Secs. 17, 18, 19, and 30.
Containing approximately 5,652 acres.
Total aggregate of approximately 15,473 acres.

Notice of the decision will also be published four times in the Fairbanks Daily News Miner.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until September 17, 2008 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907-271-5960, or by e-mail at ak.blm.conveyance@ak.blm.gov. Persons who use a telecommunication device (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Robert Childers,

Land Law Examiner, Land Transfer Adjudication II.

[FR Doc. E8-19087 Filed 8-15-08; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-056-5853-ES; N-82798; 8-08807; TAS:14X5232]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Recreation and Public Purposes (R&PP) Act request for lease and subsequent conveyance of approximately 5 acres of public land in the City of Las Vegas, Clark County, Nevada. The City of Las Vegas proposes to use the land for a public park.

DATES: Interested parties may submit written comments regarding the proposed lease/conveyance of the lands until October 2, 2008.

ADDRESSES: Mail written comments to the BLM Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130-2301.

FOR FURTHER INFORMATION CONTACT: Kimber Liebhauser, (702) 515-5088.

SUPPLEMENTARY INFORMATION: The following described land in Clark County, Nevada has been examined and found suitable for lease and subsequent conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*). The parcel of land is located on the northeast corner of Farm Road and Tee Pee Lane, Las Vegas, Nevada, and is legally described as:

Mount Diablo Meridian, Nevada

T. 19 S., R. 60 E.,
Sec. 18, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 5 acres, more or less.

In accordance with the R&PP Act, the City of Las Vegas has filed an R&PP application to develop the above described land as a public park with related facilities to meet the park space needs of this rapidly growing area. Related facilities include picnic shelters, walking paths, open space play areas, restrooms, parking lot, off-site improvements including street grading and paving, street signage and traffic signal construction. Additional detailed information pertaining to this application, plan of development, and site plan is in case file N-82798, which is located in the Bureau of Land Management (BLM) Las Vegas Field Office at the above address.

Cities are a common applicant under the public purposes provision of the

R&PP Act. The City of Las Vegas is a political subdivision of the State of Nevada and is therefore a qualified applicant under the R&PP Act. The land is not required for any Federal purpose. The lease/conveyance is consistent with the BLM Las Vegas Resource Management Plan, dated October 5, 1998, and would be in the public interest. The lease/conveyance, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The lease/conveyance will be subject to:

1. Valid existing rights; and
2. A right-of-way for natural gas line granted to Southwest Gas Corporation, its successors and assigns, by right-of-way N-76829, pursuant to the Act of February 25, 1920, 041 Stat. 0437, 30 U.S.C. 185, Sec. 28.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the R&PP Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

Interested parties may submit written comments regarding the specific use proposed in the application and plan of development, whether BLM followed proper administrative procedures in reaching the decision to lease/convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use. Any adverse comments will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. 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. Only written comments submitted by postal service or overnight mail to the BLM Field Manager, Las Vegas Field Office, will be considered properly filed. Electronic mail, facsimile, or telephone comments will not be considered properly filed.

In the absence of any adverse comments, the decision will become effective on October 17, 2008. The lands will not be available for lease/conveyance until after the decision becomes effective.

Authority: 43 CFR 2741.5.

Dated: July 31, 2008.

Beth Ransel,

Acting Assistant Field Manager, Division of Lands, Las Vegas, Nevada.

[FR Doc. E8-18988 Filed 8-15-08; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-056-5853-ES; N-83973; 8-08807; TAS:14X5232]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Recreation and Public Purposes (R&PP) Act request for lease and subsequent conveyance of approximately 10 acres of public land in the City of Las Vegas, Clark County, Nevada. The City of Las Vegas proposes to use the land for a city metropolitan police substation.

DATES: Interested parties may submit written comments regarding the proposed lease/conveyance of the lands until October 2, 2008.

ADDRESSES: Mail written comments to the BLM Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130-2301.

FOR FURTHER INFORMATION CONTACT: Kimber Liebhauser, (702) 515-5088.

SUPPLEMENTARY INFORMATION: The following described land in Clark County, Nevada has been examined and found suitable for lease and subsequent conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*). The parcel of land was initially classified on October 8, 1963, for use by the Clark County School District to build a school. Clark County School District has agreed that the City of Las Vegas can instead use the land as a

Recreation and Public Purpose Lease for a metropolitan police substation. The parcel of land is located east of the Puli Drive alignment, approximately 660 feet north of Log Cabin Way, Las Vegas, Nevada, and is legally described as:

Mount Diablo Meridian, Nevada

T. 19 S., R.59 E.,
Sec. 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 10 acres, more or less.

In accordance with the R&PP Act, the City of Las Vegas has filed an R&PP application to develop the above described land as a city metropolitan police substation with related facilities to meet the emergency service needs of this rapidly growing area. Related facilities include a building with offices, kitchen facilities, restrooms, utility/storage rooms, small conference rooms and a large community meeting room for neighborhood public meetings, landscaping, private parking lot for official vehicles and a public parking lot, off-site improvements such as street grading and paving, street striping and signage and traffic signal construction. Additional detailed information pertaining to this application, plan of development, and site plan is in case file N-83973, which is located in the Bureau of Land Management Las Vegas Field Office at the above address.

Cities are a common applicant under the public purposes provision of the R&PP Act. The City of Las Vegas is a political subdivision of the State of Nevada and is therefore a qualified applicant under the R&PP Act. The land is not required for any Federal purpose. The lease/conveyance is consistent with the BLM Las Vegas Resource Management Plan, dated October 5, 1998, and would be in the public interest. The lease/conveyance, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The lease/conveyance will be subject to: Valid existing rights.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public

land laws, including the general mining laws, except for lease/conveyance under the R&PP Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

Interested parties may submit written comments regarding the specific use proposed in the application and plan of development, whether BLM followed proper administrative procedures in reaching the decision to lease/convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use. Any adverse comments will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. 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. Only written comments submitted by postal service or overnight mail to the BLM Field Manager, Las Vegas Field Office, will be considered properly filed. Electronic mail, facsimile, or telephone comments will not be considered properly filed.

In the absence of any adverse comments, the decision will become effective on October 17, 2008. The lands will not be available for lease/conveyance until after the decision becomes effective.

Authority: 43 CFR 2741.5.

Dated: July 31, 2008.

Beth Ransel,

Acting Assistant Field Manager, Division of Lands, Las Vegas, Nevada.

[FR Doc. E8-18989 Filed 8-15-08; 8:45 am]

BILLING CODE 4310-HC-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-08-025]

Government in the Sunshine Act Meeting Notice; Amendment of Agenda Items for Government in the Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 15, 2008 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

BACKGROUND: The Commissioners announced their individual votes in Inv. Nos. 701-TA-452 and 731-TA-1129-1130 (Final) (Raw Flexible Magnets from China and Taiwan) on August 12, 2008, during a public meeting convened under the Sunshine Act. During that meeting, two Commissioners inadvertently issued announcements not fully reflecting their actual votes. Accordingly, in the interests of transparency, the Commissioners have determined to re-announce and clarify their votes in these investigations at a public meeting scheduled for 11 a.m. on Friday, August 15, 2008. On August 12, 2008, the outstanding action jacket listed on the agenda for the meeting of August 15, 2008 (73 FR 46334) (August 8, 2008) cleared the Commission.

ACTIONS: In accordance with 19 CFR 201.37 (b), the following agenda items are being added to the meeting of August 15, 2008 at 11 a.m.:

Agenda Item 5: Inv. Nos. 701-TA-452 and 731-TA-1129-1130 (Final) (Raw Flexible Magnets from China and Taiwan)—clarification and re-vote. (The Commission is currently scheduled to transmit its determinations and Commissioners' opinions to the Secretary of Commerce on or before August 25, 2008.)

Agenda Item 6: Outstanding action jackets: None

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier notification of these amendments to the agenda was not possible.

Issued: August 13, 2008.

By order of the Commission.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E8-19111 Filed 8-15-08; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on August 12, 2008, a proposed Remedial Design/ Remedial Action Consent Decree ("Decree") in *United States and State of Rhode Island v. Rhode Island Board of Governors for Higher Education, et al.*, Civil Action No. 08-0306 (ML) was

lodged with the United States District Court for the District of Rhode Island.

The Decree resolves claims of the United States and the State of Rhode Island against the Rhode Island Board of Governors for Higher Education, the University of Rhode Island, the Town of Narragansett, and the Town of South Kingstown brought under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, ("CERCLA"), 42 U.S.C. 9601-9675, for declaratory relief, injunctive relief, and recovery of response costs incurred and to be incurred by the United States in connection with the release of hazardous substances at the West Kingston Town Dump/URI Disposal Area Superfund Site located in South Kingstown, Rhode Island ("Site"). The Decree requires the settling defendants to perform the remedy selected by EPA and to pay \$650,000 to the governments for response costs, including EPA and Rhode Island Department of Environmental Management oversight costs. The work to be performed by the settling defendants is expected to cost about \$2.343 million.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, and either e-mailed to 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 and State of Rhode Island v. Rhode Island Board of Governors, et al.*, Civil Action No. 08-0306 (ML) (D.R.I.), D.J. Ref. 90-11-3-09142.

The Decree may be examined at the Office of the United States Attorney, District of Rhode Island, 50 Kennedy Plaza, 8th Floor, Providence, RI 02903, and at U.S. EPA Region I, 1 Congress Street, Boston, MA 02114. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the 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), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$23.25 (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 Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8-19036 Filed 8-15-08; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute: The Consortium for NASGRO Development and Support

Notice is hereby given that, on July 22, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 54301 *et seq.* ("the Act"), Southwest Research Institute Cooperative Research Group on the Consortium for NASGRO Development and Support ("NASGRO") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership and project status of the venture. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the period of performance has been extended to June 30, 2010. The following parties have been added as parties to this venture: Lockheed Martin Corporation, Cherry Hill, NJ; Bombardier Aerospace, Montreal, Quebec, Canada; and Spirit Aerosystems, Wichita, KS.

In addition, Northrop Grumman Corporation, Melbourne, FL has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NASGRO intends to file additional written notifications disclosing all changes in membership.

On October 3, 2001, NASGRO filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 22, 2002 (67 FR 2910).

The last notification was filed with the Department on October 18, 2004 and

published in the **Federal Register** on November 22, 2004 (69 FR 67950).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E8-18880 Filed 8-15-08; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Tree Care Industry Association

Notice is hereby given that, on July 14, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 54301 *et seq.* ("the Act"), Tree Care Industry Association ("TCIA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Acts provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TCIA recently finalized and adopted: (a) ANSI A300 (Part 1)—2008 Pruning for Tree Care Operations—Tree, Shrub, and Other Woody Plant Management Standard Practices (Pruning); (b) ANSI A300 (Part 3)—2006 Supplemental Support Systems for Tree Care Operations—Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices (Supplemental Support Systems); (c) ANSI A300 (Part 4)—2008 Lightning Protection Systems for Tree Care Operations—Tree, Shrub, and Other Woody Plant Management—Standard Practices (Lightning Protection Systems); (d) Accreditation Standards Draft 6 Version 2; (e) Green Industry Standards Dictionary; and (f) CTSP Policies and Procedures Draft 1 Version 2.

On September 8, 2004, TCIA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 4, 2004 (69 FR 59271).

The last notification was filed with the Department on November 27, 2006. A notice was published in the **Federal Register** pursuant to Section 6(b) of the

Act on December 22, 2006 (71 FR 77061)

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E8-18879 Filed 8-15-08; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

August 12, 2008.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the *RegInfo.gov* Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: king.darrin@dol.gov.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free numbers), E-mail:

OIRA_submission@omb.eop.gov within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration.

Type of Review: Extension without change of an existing OMB Control Number.

Title of Collection: OFCCP Recordkeeping and Reporting Requirements—Supply and Service.

OMB Control Number: 1215-0072.

Affected Public: Private Sector—Business or other for-profits.

Total Estimated Number of

Respondents: 99,028.

Total Estimated Annual Burden

Hours: 10,045,984.

Total Estimated Annual Cost Burden: \$120,019.

Description: Recordkeeping and reporting obligations incurred by Federal contractors under Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act are necessary to substantiate compliance with nondiscrimination and affirmative action requirements enforced by the Office of Federal Contract Compliance Programs. For additional information, see related notice published at 73 FR 25032 on May 6, 2008.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E8-19026 Filed 8-15-08; 8:45 am]

BILLING CODE 4510-CM-P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection of the Tax Performance System Handbook ETA 407; Extension Without Change

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995

(PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed extension of the Tax Performance System (TPS). A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice or by accessing: <http://www.doleta.gov/OMB/CN/OMBControlNumber.cfm>.

DATES: Written comments must be submitted to the office listed in the address below on or before October 17, 2008.

ADDRESSES: Send comments to Eve MacDonald, U.S. Department of Labor, Office of Workforce Security, Employment and Training Administration, Department of Labor, Room S 4522, 200 Constitution Ave., NW., Washington, DC 20210; 202-693-3210 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Since 1987, states have been required by regulation at 20 CFR Part 602 to operate a program to assess their Unemployment Insurance (UI) tax and benefit programs. TPS is designed to assess the major internal UI tax functions by utilizing several methodologies: Computed Measures which are indicators of timeliness and completeness based on data automatically generated via the existing ETA 581, Contribution Operations Report (Office of Management and Budget (OMB) approval number 1205-0178, expiring 10/31/2008); and Program Reviews which assess accuracy through a two-fold examination. This examination involves: (a) "Systems Reviews" which examine tax systems for the existence of internal controls; and (b) extraction of small samples of those systems' transactions which are then examined to verify the effectiveness of controls.

II. Desired Focus of Comments

Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of TPS Handbook 407. Comments are requested to:

- 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.

III. Current Actions

It is important that approval of the TPS Handbook 407 be extended because this report is the only vehicle for collection of information on the quality and timeliness of state UI tax operations. If TPS Handbook 407 data were not collected, there would be no basis for determining and measuring state UI tax performance and effectiveness.

Type of Review: Extension without change.

Agency: Employment and Training Administration, Department of Labor.

Title: Tax Performance System Handbook 407.

OMB Number: 1205-0332.

Agency Number: ETA Handbook 407.

Recordkeeping: Respondent is expected to maintain data which support the reported data for three years.

Affected Public: State government.

Total Respondents: 52.

Frequency: Annually.

Total Responses: 52.

Average Time per Response: 1739 hours.

Estimated Total Burden Hours: 90,428.

Total Burden Cost (operating/maintaining): \$4,114,626.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of the information collection request; they will also become a matter of public record.

Dated: August 6, 2008.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E8-19038 Filed 8-15-08; 8:45 am]

BILLING CODE 4510-FW-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 08-055]

Notice of Centennial Challenges Lunar Lander Challenge

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Centennial Challenges Lunar Lander Challenge.

SUMMARY: This notice is issued in accordance with 42 U.S.C. 2451 (314)(d).

The Lunar Lander Challenge is now scheduled and teams that wish to compete may now register. The NASA Centennial Challenges Program is a program of prize contests to stimulate innovation and competition in space exploration and ongoing NASA mission areas. The Lunar Lander Challenge is a prize contest designed to accelerate technology developments supporting the commercial creation of a vehicle capable of ferrying cargo or humans back and forth between lunar orbit and the lunar surface.

The Lunar Lander Challenge is being administered for NASA by the X PRIZE Foundation. Their Web site is: <http://www.xprize.org>. The Centennial Challenges Web site is <http://centennialchallenges.nasa.gov>.

DATES: The Lunar Lander Challenge will be held on October 24 and 25, 2008 and will be continued on an annual basis until all the purse money has been awarded, or until October 2010, whichever comes first. The first Lunar Lander Challenge competition was held on October 20-21, 2006.

ADDRESS: The Lunar Lander Challenge will be held at Holloman Air Force Base, Alamogordo, NM.

FOR FURTHER INFORMATION CONTACT: Requests for additional information regarding the NASA Centennial Challenges Program should be directed to Mr. Andrew Petro, NASA Headquarters, Suite 6J79, 300 E Street, SW., Washington, DC 20546. To register for and get additional information regarding the Lunar Lander Challenge, contact the X PRIZE Foundation, William Pomerantz, (301) 395-5283, Will@xprize.org or visit the Web site at <http://space.xprize.org/ng-lunar-lander-challenge>.

SUPPLEMENTARY INFORMATION:

I. Summary

The purpose of the Lunar Lander Challenge is to accelerate technology developments supporting the commercial creation of a vehicle capable of ferrying cargo or humans

back and forth between lunar orbit and the lunar surface. Such a vehicle would have direct application to NASA's space exploration goals as well as the personal spaceflight industry. Additionally, the prize will help industry build new vehicles and develop the operational capacity to operate quick turnaround vertical take-off, vertical landing vehicles that will be of significant use in many facets of the commercial launch procurement market.

II. Challenge Basis and Prize Amount

To win the \$2,000,000 purse, a rocket-propelled vehicle with an assigned payload must take-off vertically, climb to a defined altitude, fly for a pre-determined amount of time, then land vertically on a target that is a fixed distance from the take-off point. After remaining at this location for a period of time, the vehicle must take-off, fly for the same amount of time, and land again on its original launch pad.

III. Eligibility

The Centennial Challenges Program has established the following language, including definitions, governing eligibility. Challenge is the Lunar Lander Challenge.

A Team is an individual or private entity, or a group of individuals or private entities that register to participate in Challenge. A Team is comprised of a Team Leader and Team Members. A Team Leader is, by definition, also a Team Member.

Team Members are participants on the Team that are not the Team Leader. To be eligible to win the Challenge prize, an individual or entity, (a) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and (b) in the case of an individual, whether participating individually or as a member of a group, shall be a citizen or permanent resident of the United States.

A Team Leader is a single private entity or individual which is the sole agent representing TEAM regarding its participation in Challenge. In the case of the Team Leader that is a private entity, it must appoint an individual who is an officer of the private entity to represent the Team Leader.

All Team Members will apply to register for the Challenge through Team Leader and must receive written concurrence by XPF.

All Team Members must execute an "Adoption of Agreement" committing to all terms of this Agreement. By signing the Agreement, Team Leader represents that all Team Members have executed the Adoption of Agreement and that no one else will become a member of the

Team or participate in the Challenge until such new Team Member has signed the Agreement. XPF may disqualify any TEAM if it discovers that a person is acting as a Team Member who has not signed this Agreement. Team Leader will provide XPF with a copy of the "Adoption of Agreement" signed by each team member. Any U.S. Government organization or organization principally or substantially funded by the Federal Government, including Federally Funded Research and Development Centers, Government-owned, contractor operated (GOCO) facilities, University Affiliated Research Centers, and any employee of such an organization acting within the scope of his or her employment, are ineligible to be a Team Leader or Team Member. Team Members may participate in Challenge on more than one Team.

IV. Rules

The rules for the Lunar Lander Challenge can be found at: <http://space.xprize.org/ng-lunar-lander-challenge>.

Dated: August 11, 2008.

Doug Comstock,

Director, Innovative Partnerships Program Office.

[FR Doc. E8-19095 Filed 8-15-08; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference from the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows (ending time is approximate):

Literature (application review): August 27, 2008. This meeting, from 2 p.m. to 4 p.m. DST, will be closed. This meeting has been scheduled on an emergency basis to address time sensitive issues.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 21, 2007, these sessions will

be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: August 13, 2008.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. E8-19069 Filed 8-15-08; 8:45 am]

BILLING CODE 7537-01-P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT:

Michael P. McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4),

and (6) of section 552b of Title 5, United States Code.

1. *Date:* September 3, 2008.

Time: 9 a.m. to 5 p.m.

Room: 421.

Program: This meeting, which will be by teleconference, will review applications for America's Historical and Cultural Organizations Implementation Grants Program, submitted to the Division of Public Programs at the August 27, 2008 deadline.

2. *Date:* September 30, 2008.

Time: 11 a.m. to 2 p.m.

Room: 402.

Program: This meeting, which will be by teleconference, will review applications for NEH/DOE Humanities High Performance Computing, submitted to the Office of Digital Humanities at the July 15, 2008 deadline.

Michael P. McDonald,

Advisory Committee Management Officer.

[FR Doc. E8-19025 Filed 8-15-08; 8:45 am]

BILLING CODE 7536-01-P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 4201 Wilson Blvd., Arlington, Virginia 22230.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**.

NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF Web site: <http://www.nsf.gov/events/advisory.jsp>. This information may also be requested by telephoning 703/292-8182.

Dated: August 13, 2008.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E8-19040 Filed 8-15-08; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Weeks of August 18, 25, September 1, 8, 15, 22, 2008.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of August 18, 2008

There are no meetings scheduled for the week of August 18, 2008.

Week of August 25, 2008—Tentative

There are no meetings scheduled for the week of August 25, 2008.

Week of September 1, 2008—Tentative

There are no meetings scheduled for the week of September 1, 2008.

Week of September 8, 2008—Tentative

There are no meetings scheduled for the week of September 8, 2008.

Week of September 15, 2008—Tentative

There are no meetings scheduled for the week of September 15, 2008.

Week of September 22, 2008—Tentative

There are no meetings scheduled for the week of September 22, 2008.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292.

Contact person for more information: Michelle Schroll, (301) 415-1662.

Additional Information

By a vote of 4-0 on August 11, 2008, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that Affirmation of

"*In the Matter of Pa'ina Hawaii, LLC*, Materials License Application Commission *Sua Sponte* Review of Board Decision to Admit Contention on Potential Health Effects of Irradiated Foods", and "*U.S. Department of Energy* (High Level Waste Repository)—State of Nevada's Request for Extension of Time to File Request for Hearing—SRM-SECY-08-0072" be held August 13, 2008, and on less than one week's notice to the public.

By a vote of 4-0 on August 11 & 12, 2008, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that Affirmation of "*Dominion Nuclear Connecticut, Inc.* (Millstone Power Station, Unit 3), Connecticut Coalition Against Millstone and Nancy Burton Appeal of LBP-08-09" be held August 13, 2008, and on less than one week's notice to the public.

Affirmation of "U.S. Department of Energy (High Level Waste Repository)—Petitions of the State of Nevada and Dr. Jacob Paz to Reject the Department of Energy's (DOE) Application to Construct a Geologic Repository at Yucca Mountain, Nevada (Tentative)" was announced on July 15, 2008, to be held on July 23, 2008 and subsequently was postponed. On August 12, 2008, the Affirmation was rescheduled and announced to be held on August 13, 2008. This Affirmation has been postponed again and will be rescheduled.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at REB3@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is

available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: August 13, 2008.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. E8-19139 Filed 8-15-08; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Southern Nuclear Operating Company, Inc.; Georgia Power Company; Oglethorpe Power Corporation; Municipal Electric Authority of Georgia; City of Dalton, Georgia; Vogtle Electric Generating Plant, Units 1 and 2; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Southern Nuclear Operating Corporation (the licensee) to withdraw its application dated November 30, 2007, with supplemental letters dated February 13, 2008, for proposed amendment to Facility Operating Licenses No. NPF-68 and No. NPF-81 for the Vogtle Electric Generating Plant, Units No. 1 and 2, located in Burke County, Georgia.

The proposed amendment would have changed TS 5.5.9 to modify the inspection and plugging requirements for portions of Steam Generator (SG) tubes within the hot leg side of the tubesheet region of the SGs. The proposed changes to TS 5.6.10 would have added requirements to report specific data related to indications, leakage detected, and calculated accident leakage.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment, on the above proposed amendment application, that was published in the **Federal Register** on December 18, 2007 (72 FR 71715). However, by letter dated April 18, 2008, the licensee withdrew the proposed amendment.

For further details with respect to this action, see the application for

amendment dated November 30, 2007 (Agencywide Documents Access Management System (ADAMS) Accession No. ML073380099), with additional information provided by letter dated February 13, 2008, and the licensee's letter dated April 18, 2008, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 12th day of August, 2008.

For the Nuclear Regulatory Commission.

Robert E. Martin,

Senior Project Manager, Plant Licensing Branch II-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E8-19042 Filed 8-15-08; 8:45 am]

BILLING CODE 7590-01-P

RAILROAD RETIREMENT BOARD

Proposed Data Collection Available for Public Comment and Recommendations

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including

whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Evidence of Marital Relationship, Living with Requirements; OMB 3220-0021.

To support an application for a spouse or widow(er)'s annuity under Sections 2(c) or 2(d) of the Railroad Retirement Act, an applicant must submit proof of a valid marriage to a railroad employee. In some cases, the existence of a marital relationship is not formalized by a civil or religious ceremony. In other cases, questions may arise about the legal termination of a prior marriage of an employee, spouse, or widow(er). In these instances, the RRB must secure additional information to resolve questionable marital relationships. The circumstances requiring an applicant to submit documentary evidence of marriage are prescribed in 20 CFR 219.30.

In the absence of documentary evidence to support the existence of a valid marriage between a spouse or widow(er) annuity applicant and a railroad employee, the RRB needs to obtain information to determine if a valid marriage existed. The RRB utilizes Forms G-124, Statement of Marital Relationship; G-124a, Statement Regarding Marriage; G-237, Statement Regarding Marital Status; G-238, Statement of Residence; and G-238a, Statement Regarding Divorce or Annulment to secure the needed information. One response is requested of each respondent. Completion is required to obtain benefits. The RRB proposes no changes to the forms in the collection.

Estimate of Annual Respondent Burden

The estimated annual respondent burden is as follows:

Form #(s)	Annual responses	Time (min)	Burden (hrs)
G-124 (In person)	125	15	31
G-124 (By mail)	75	20	25
G-124a	300	10	50
G-237 (In person)	75	15	19
G-237 (By mail)	75	20	25
G-238 (In person)	150	3	8
G-238 (By mail)	150	5	13

Form #(s)	Annual responses	Time (min)	Burden (hrs)
G-238a 150	10	25	
Total	1,100	.....	196

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to Charles.Mierzwa@RRB.GOV. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or send an e-mail to Ronald.Hodapp@RRB.GOV. Written comments should be received within 60 days of this notice.

Charles Mierzwa

Clearance Officer.

[FR Doc. E8-18987 Filed 8-15-08; 8:45 am]

BILLING CODE 7905-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58350; File No. 4-566]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d-2; Notice of Filing of Proposed Plan for the Allocation of Regulatory Responsibilities Among the American Stock Exchange LLC, Boston Stock Exchange, Inc., CBOE Stock Exchange, LLC, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange, LLC, NYSE Arca Inc., NYSE Regulation, Inc., and Philadelphia Stock Exchange, Inc.

August 13, 2008.

Pursuant to Section 17(d) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 17d-2 thereunder,² notice is hereby given that on August 12, 2008, the American Stock Exchange LLC ("Amex"), Boston Stock Exchange, Inc. ("BSE"), CBOE Stock Exchange, LLC ("CBOE"), Chicago Stock Exchange, Inc. ("CHX"), Financial Industry Regulatory Authority, Inc. ("FINRA"), International Securities Exchange, LLC ("ISE"), The NASDAQ Stock Market, LLC ("NASDAQ"), National Stock

Exchange, Inc. ("NSX"), New York Stock Exchange, LLC ("NYSE"), NYSE Arca Inc. ("NYSE Arca"), NYSE Regulation, Inc. (acting under authority delegated to it by NYSE) ("NYSE Regulation"), and Philadelphia Stock Exchange, Inc. ("Phlx"), (collectively, "Participating Organizations" or "Parties") filed with the Securities and Exchange Commission ("Commission") a plan for the allocation of regulatory responsibilities ("17d-2 plan" or "Plan"). The Commission is publishing this notice to solicit comments on the 17d-2 plan from interested persons.

I. Introduction

Section 19(g)(1) of the Act,³ among other things, requires every self-regulatory organization ("SRO") registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)⁴ or Section 19(g)(2)⁵ of the Act. Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO ("common members"). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act⁶ was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.⁷ With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule

17d-1 and Rule 17d-2 under the Act.⁸ Rule 17d-1 authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.⁹ When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d-1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d-1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d-2 under the Act.¹⁰ Rule 17d-2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d-2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d-2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

³ 15 U.S.C. 78s(g)(1).

⁴ 15 U.S.C. 78q(d).

⁵ 15 U.S.C. 78s(g)(2).

⁶ 15 U.S.C. 78q(d)(1).

⁷ See Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Session 32 (1975).

⁸ 17 CFR 240.17d-1 and 17 CFR 240.17d-2, respectively.

⁹ See Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

¹⁰ See Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

¹ 15 U.S.C. 78q(d).

² 17 CFR 240.17d-2.

II. The Plan

The proposed Plan is designed to eliminate regulatory duplication by allocating regulatory responsibility over Common NYSE Members¹¹ or Common FINRA Members,¹² as applicable, (collectively, "Common Members") for the surveillance, investigation, and enforcement of common insider trading rules ("Common Rules").¹³

The Plan assigns regulatory responsibility over Common NYSE Members to NYSE Regulation for surveillance, investigation, and enforcement of insider trading by broker-dealers, and their associated persons, with respect to NYSE-listed stocks and NYSE Arca-listed stocks, irrespective of the marketplace(s) maintained by the Participating Organizations on which the relevant trading may occur. The Plan assigns regulatory responsibility over Common FINRA Members to FINRA for surveillance, investigation, and enforcement of insider trading by broker-dealers, and their associated persons, with respect to NASDAQ-listed stocks and Amex-listed stocks, as well as any CHX solely-listed equity security, irrespective of the marketplace(s) maintained by the Participating Organizations on which the relevant trading may occur.

An exchange committee composed of a representative from each of the Participating Organizations to the Plan would meet up to four times a year, but no more often than once per calendar quarter, to discuss the conduct of regulatory responsibilities, identify issues or concerns, and receive and review reports. Costs for insider trading surveillance are shared among Participating Organizations based on their relative trade volume, subject to certain minimum payment amounts for smaller markets.

The Plan permits any Participating Organization to cancel its participation in the Plan at any time, provided it gives 180 days written notice to the other Participating Organizations, and provided that such termination is approved by the Commission. In addition, while the Plan permits the Participating Organizations to terminate the Plan, the Parties cannot by

themselves reallocate the regulatory responsibilities set forth in the Plan, since Rule 17d-2 under the Act requires that any allocation or re-allocation of regulatory responsibilities be filed with, and approved by, the Commission.

In addition to the Plan, Participating Organizations have entered into two regulatory services agreements that address investigation and enforcement in situations that involve trading in equity securities by non-Common Members, as Rule 17d-2 covers only situations involving Common Members. The first agreement is between NYSE Regulation (acting as the regulatory services provider), FINRA, and each of the Exchanges ("NYSE Regulation Agreement"). The second agreement is between FINRA (acting as the regulatory services provider), NYSE Regulation, and each of the Exchanges ("FINRA Agreement"). The agreements provide for the investigation and enforcement of suspected insider trading against broker-dealers and their associated persons that (i) are not Common Members of NYSE in the case of insider trading in NYSE-listed stocks and NYSE-Arca listed stocks; or (ii) are not Common Members of FINRA in the case of insider trading in NASDAQ-listed stocks, Amex-listed stocks, and any CHX solely-listed equity security.

Under the agreements, NYSE Regulation and FINRA, respectively, will provide to the Exchanges "Core Services" related and limited to the investigation and enforcement activities for non-Common Members where these activities relate to insider trading of equity securities listed on the NYSE or NYSE Arca in the case of the NYSE Regulation Agreement, and to the insider trading of equity securities listed on the Nasdaq or Amex, and any CHX solely listed security in the case of the FINRA Agreement. The Core Services provided under the agreements are rendered (a) only upon completion of a surveillance review under the 17d-2 Plan, and (b) at the request of the relevant exchange. Pursuant to the Plan, NYSE Regulation and FINRA will conduct surveillance, investigation, and enforcement for insider trading for Common NYSE Members and Common FINRA Members, respectively. Surveillance for non-Common Members is excluded from the Plan and remains the responsibility of the SROs in which such non-Common Members maintain membership. However, due to the nature of insider trading surveillance technology and processes, the surveillance conducted by NYSE Regulation and FINRA will encompass non-Common Members as the surveillance function does not

differentiate between Common and non-Common Members. Accordingly, the investigation and enforcement services performed under the agreements will arise from surveillance undertaken by NYSE Regulation and FINRA.

The full text of the proposed 17d-2 plan is as follows:

* * * * *

Agreement for the Allocation of Regulatory Responsibility of Surveillance, Investigation and Enforcement for Insider Trading Pursuant to § 17(d) of the Securities Exchange Act of 1934, 15 U.S.C. § 78q(d), and Rule 17d-2 Thereunder

This agreement (the "Agreement") by and among the American Stock Exchange LLC ("Amex"), Boston Stock Exchange, Inc., CBOE Stock Exchange, LLC, Chicago Stock Exchange, Inc. ("CHX"), Financial Industry Regulatory Authority, Inc. ("FINRA"), International Securities Exchange, LLC, The NASDAQ Stock Market LLC ("NASDAQ"), National Stock Exchange, Inc., New York Stock Exchange, LLC ("NYSE"), NYSE Arca Inc. ("NYSE Arca"), NYSE Regulation, Inc. (pursuant to delegated authority) ("NYSE Regulation"), and Philadelphia Stock Exchange, Inc. (together, the "Participating Organizations"), is made pursuant to § 17(d) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. § 78q(d), and Securities and Exchange Commission ("SEC") Rule 17d-2, which allow for plans to allocate regulatory responsibility among self-regulatory organizations ("SROs").

Whereas, NYSE delegates to NYSE Regulation the regulation of trading by members in its market, and NYSE Regulation is a subsidiary of NYSE, all references to NYSE Regulation in this Agreement shall be read as references to both entities;

Whereas, the Participating Organizations desire to: (a) Foster cooperation and coordination among the SROs; (b) remove impediments to, and foster the development of, a national market system; (c) strive to protect the interest of investors; and (d) eliminate duplication in their regulatory surveillance, investigation and enforcement of insider trading;

Whereas, the Participating Organizations are interested in allocating to NYSE Regulation, Inc. ("NYSE Regulation") regulatory responsibility for Common NYSE Members for surveillance, investigation and enforcement of Insider Trading (as defined below) in NYSE Listed Stocks (as defined below) irrespective of the marketplace(s) maintained by the Participating Organizations on which

¹¹ Common NYSE Members include members of the NYSE and at least one of the Participating Organizations.

¹² Common FINRA Members are members of FINRA and at least one of the Participating Organizations.

¹³ Common Rules is defined as: (i) Federal securities laws and rules promulgated by the Commission pertaining to insider trading, and (ii) the rules of the Participating Organizations that are related to insider trading. See Exhibit A to the plan.

the relevant trading may occur in violation of Common Insider Trading Rules;

Whereas, the Participating Organizations are interested in allocating to FINRA regulatory responsibility for Common FINRA Members for surveillance, investigation and enforcement of Insider Trading in NASDAQ Listed Stocks, Amex Listed Stocks, and CHX Solely Listed Stocks irrespective of the marketplace(s) maintained by the Participating Organizations on which the relevant trading may occur in violation of Common Insider Trading Rules;

Whereas, the Participating Organizations will request regulatory allocation of these regulatory responsibilities by executing and filing with the SEC a plan for the above stated purposes (this Agreement, also known herein as the "Plan") pursuant to the provisions of section 17(d) of the Act, and SEC Rule 17d-2 thereunder, as described below; and

Whereas, the Participating Organizations will also enter into certain Regulatory Services Agreements (the "Insider Trading RSAs"), of even date herewith, to provide for the investigation and enforcement of suspected Insider Trading against broker-dealers, and their associated persons, that (i) are not Common NYSE Members (as defined below) in the case of Insider Trading in NYSE Listed Stocks, and (ii) are not Common FINRA Members (as defined below) in the case of Insider Trading in NASDAQ Listed Stocks, Amex Listed Stocks, and CHX Solely Listed Stocks.

Now, therefore, in consideration of the mutual covenants contained hereafter, and other valuable consideration to be mutually exchanged, the Participating Organizations hereby agree as follows:

1. *Definitions.* Unless otherwise defined in this Agreement, or the context otherwise requires, the terms used in this Agreement will have the same meaning they have under the Act, and the rules and regulations thereunder. As used in this Agreement, the following terms will have the following meanings:

a. "Rule" of an "exchange" or an "association" shall have the meaning defined in Section 3(a)(27) of the Act.

b. "Common NYSE Members" shall mean members of the NYSE and at least one of the Participating Organizations.

c. "Common FINRA Members" shall mean members of FINRA and at least one of the Participating Organizations.

d. "Common Insider Trading Rules" shall mean (i) the federal securities laws and rules thereunder promulgated by

the SEC pertaining to insider trading, and (ii) the rules of the Participating Organizations that are related to insider trading, as provided on Exhibit A to this Agreement.

e. "Effective Date" shall have the meaning set forth in paragraph 28.

f. "Insider Trading" shall mean any conduct or action taken by a natural person or entity related in any way to the trading of securities by an insider or a related party based on or on the basis of material non-public information obtained during the performance of the insider's duties at the corporation, or otherwise misappropriated, that could be deemed a violation of the Common Insider Trading Rules.

g. "Intellectual Property" will mean any: (1) Processes, methodologies, procedures, or technology, whether or not patentable; (2) trademarks, copyrights, literary works or other works of authorship, service marks and trade secrets; or (3) software, systems, machine-readable texts and files and related documentation.

h. "Plan" shall mean this Agreement, which is submitted as a Plan for the allocation of regulatory responsibilities of surveillance for insider trading pursuant to section 17(d) of the Securities and Exchange Act of 1934, 15 U.S.C. 78q(d), and SEC Rule 17d-2.

i. "NYSE Listed Stock" shall mean an equity security that is listed on the NYSE, or NYSE Arca.

j. "NASDAQ Listed Stock" shall mean an equity security that is listed on the NASDAQ.

k. "Amex Listed Stock" shall mean an equity security that is listed on the Amex.

l. "CHX Solely Listed Stock" shall mean an equity security that is listed only in the Chicago Stock Exchange.

m. "Listing Market" shall mean Amex, Nasdaq, NYSE, or NYSE Arca, but not CHX.

2. Assumption of Regulatory Responsibilities.

a. *NYSE Regulation: Assumption of Regulatory Responsibilities.* On the Effective Date of the Plan, NYSE Regulation will assume regulatory responsibilities for surveillance, investigation and enforcement of Insider Trading by broker-dealers, and their associated persons, for Common NYSE Members with respect to NYSE Listed Stocks irrespective of the marketplace(s) maintained by the Participant Organizations on which the relevant trading may occur in violation of the Common Insider Trading Rules ("NYSE's Regulatory Responsibility").

b. *FINRA: Assumption of Regulatory Responsibilities.* On the Effective Date of the Plan, FINRA will assume regulatory

responsibilities for surveillance, investigation and enforcement of Insider Trading by broker-dealers, and their associated persons, for Common FINRA Members with respect to NASDAQ and Amex Listed Stocks, as well as any CHX Solely Listed equity security, irrespective of the marketplace(s) maintained by the Participant Organizations on which the relevant trading may occur in violation of the Common Insider Trading Rules ("FINRA's Regulatory Responsibility").

c. *Change in Control.* In the event of a change of control of a Listing Market, the Listing Market will have the discretion to transfer the regulatory responsibility for its listed stocks from NYSE Regulation to FINRA or from FINRA to NYSE Regulation, provided the SRO assuming regulatory responsibility consents to such transfer.

3. Certification of Insider Trading Rules.

a. *Initial Certification.* By signing this Agreement, the Participating Organizations, other than NYSE Regulation and FINRA, hereby certify to NYSE Regulation and FINRA that their respective lists of Common Insider Trading Rules contained in Attachment A hereto are correct, and NYSE Regulation and FINRA hereby confirm that such rules are Common Insider Trading Rules as defined in this Agreement.

b. *Yearly Certification.* Each year following the commencement of operation of this Agreement, or more frequently if required by changes in the rules of the Participating Organizations, each Participating Organization shall submit a certified and updated list of Common Insider Trading Rules to NYSE Regulation and FINRA for review, which shall (i) add Participating Organization rules not included in the then-current list of Common Insider Trading Rules that qualify as Common Rules as defined in this Agreement; (ii) delete Participating Organization rules included in the current list of Common Insider Trading Rules that no longer qualify as Common Insider Trading Rules as defined in this Agreement; and (iii) confirm that the remaining rules on the current list of Common Insider Trading Rules continue to be Participating Organization rules that qualify as Common Insider Trading Rules as defined in this Agreement. NYSE Regulation and FINRA shall review each Participating Organization's annual certification and confirm whether NYSE Regulation and FINRA agree with the submitted certified and updated list of Common Insider Rules by each of the Participating Organizations.

4. *No Retention of Regulatory Responsibility.* The Participating Organizations do not contemplate the retention of any responsibilities with respect to the regulatory activities being assumed by NYSE Regulation and FINRA, respectively, under the terms of this Agreement. Nothing in this Agreement will be interpreted to prevent NYSE Regulation or FINRA from entering into Regulatory Services Agreement(s) to perform their Regulatory Responsibilities.

5. *Dually Listed Stocks.* Stocks that are listed on more than one Participating Organization shall be designated as a NYSE Listed Stock, a NASDAQ Listed Stock, or an Amex Listed Stock based on the applicable transaction reporting plan for the equity security as set forth in paragraph 1.b. of Exhibit B.

6. *Fees.* NYSE Regulation and FINRA shall charge Participating Organizations for performing their respective Regulatory Responsibilities, as set forth in the Schedule of Fees, attached as Exhibit B.

7. *Applicability of Certain Laws, Rules, Regulations or Orders.* Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the SEC. To the extent such statute, rule, or order is inconsistent with one or more provisions of this Agreement, the statute, rule, or order shall supersede the provision(s) hereof to the extent necessary to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

8. *Exchange Committee; Reports.*
a. *Exchange Committee.* The Participating Organizations shall form a committee (the "Exchange Committee"), which shall act on behalf of all of Participating Organizations in receiving copies of the reports described below and in reviewing issues that arise under this Agreement. Each Participating Organization shall appoint a representative to the Exchange Committee. The Exchange Committee representatives shall report to their respective executive management bodies regarding status or issues under the Agreement. The Participating Organizations agree that the Exchange Committee will meet regularly up to four (4) times a year, with no more than one meeting per calendar quarter. At these meetings, the Exchange Committee will discuss the conduct of the Regulatory Responsibilities and identify issues or concerns with respect to this Agreement, including matters related to the calculation of the cost formula and accuracy of fees charged and provision of information related to

the same. The SEC shall be permitted to attend the meetings as an observer.

b. *Reports.* NYSE Regulation and FINRA shall provide the reports set forth in Exhibit C hereto and any additional reports related to the Agreement reasonably requested by a majority vote of all representatives to the Exchange Committee at each Exchange Committee meeting, or more often as the Participating Organizations deem appropriate, but no more often than once every quarterly billing period.

9. *Customer Complaints.*

a. If a Participating Organization receives a copy of a customer complaint relating to Insider Trading or other activity or conduct that is within the NYSE's Regulatory Responsibilities as set forth in this Agreement, the Participating Organization shall promptly forward to NYSE Regulation, as applicable, a copy of such customer complaint.

b. If a Participating Organization receives a copy of a customer complaint relating to Insider Trading or other activity or conduct that is within FINRA's Regulatory Responsibilities as set forth in this Agreement, the Participating Organization shall promptly forward to FINRA, as applicable, a copy of such customer complaint.

10. *Parties to Make Personnel Available as Witnesses.* Each Participating Organization shall make its personnel available to NYSE Regulation or FINRA to serve as testimonial or non-testimonial witnesses as necessary to assist NYSE Regulation and FINRA in fulfilling the Regulatory Responsibilities allocated under this Agreement. FINRA and NYSE Regulation shall provide reasonable advance notice when practicable and shall work with a Participating Organization to accommodate reasonable scheduling conflicts within the context and demands as the entities with ultimate regulatory responsibility. The Participating Organization shall pay all reasonable travel and other expenses incurred by its employees to the extent that NYSE Regulation or FINRA require such employees to serve as witnesses, and provide information or other assistance pursuant to this Agreement.

11. *Market Data; Sharing of Work-Papers, Data and Related Information.*

a. *Market Data.* FINRA and NYSE Regulation shall obtain raw market data necessary to the performance of regulation under this Agreement from (a) the Consolidated Tape Association ("CTA") as the exclusive securities information processor ("SIP") for all NYSE-listed, AMEX-listed securities, and CHX solely listed securities and (b)

the NASDAQ Unlisted Trading Privileges Plan as the exclusive SIP for NASDAQ-listed securities.

b. *Sharing.* A Participating Organization shall make available to each of NYSE Regulation and FINRA information necessary to assist NYSE Regulation or FINRA in fulfilling the regulatory responsibilities assumed under the terms of this Agreement. Such information shall include any information collected by an exchange or association in the course of performing its regulatory obligations under the Act, including information relating to an ongoing disciplinary investigation or action against a member, the amount of a fine imposed on a member, financial information, or information regarding proprietary trading systems gained in the course of examining a member ("Regulatory Information"). This Regulatory Information shall be used by NYSE Regulation and FINRA solely for the purposes of fulfilling their respective regulatory responsibilities.

c. *No Waiver of Privilege.* The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

d. *Intellectual Property.*

(i) *Existing Intellectual Property.* Each of NYSE Regulation and FINRA, respectively, is and will remain the owner of all right, title and interest in and to the proprietary Intellectual Property it employs in the provision of regulation hereunder (including the SONAR and Stock Watch systems), and any derivative works thereof. To the extent certain elements of either of these parties' systems, or portions thereof, may be licensed or leased from third parties, all such third party elements shall remain the property of such third parties, as applicable. Likewise, any other Participating Organization is and will remain the owner of all right, title and interest in and to its own existing proprietary Intellectual Property.

(ii) *Enhancements to Existing Intellectual Property or New Developments of NYSE Regulation or FINRA.* In the event NYSE Regulation or FINRA (a) makes any changes, modifications or enhancements to its respective Intellectual Property for any reason, or (b) creates any newly developed Intellectual Property for any reason, including as a result of requested enhancements or new development by the Exchange Committee (collectively, the "New IP"), the Participating Organizations acknowledge and agree that each of NYSE Regulation and FINRA shall be

deemed the owner of the New IP created by each of them, respectively (and any derivative works thereof), and shall retain all right, title and interest therein and thereto, and each other Participating Organization hereby irrevocably assigns, transfers and conveys to each of NYSE Regulation and FINRA, as applicable, without further consideration all of its right, title and interest in or to all such New IP (and any derivative works thereof).

(iii) NYSE Regulation and FINRA will not charge the Participating Organizations any fees for any New IP created and used by NYSE Regulation or FINRA, respectively; provided, however, that NYSE Regulation and FINRA will each be permitted to charge fees for software maintenance work performed on systems used in the discharge of their respective duties hereunder.

12. *Special or Cause Examinations.* Nothing in this Agreement shall restrict or in any way encumber the right of a party to conduct special or cause examinations of Common NYSE Members or Common FINRA Members as any party, in its sole discretion, shall deem appropriate or necessary.

13. *Dispute Resolution Under this Agreement.*

a. *Negotiation.* The Parties will attempt to resolve any disputes through good faith negotiation and discussion, escalating such discussion up through the appropriate management levels until reaching the executive management level. In the event a dispute cannot be settled through these means, the Parties shall refer the dispute to binding arbitration.

b. *Binding Arbitration.* All claims, disputes, controversies, and other matters in question between the Parties to this Agreement arising out of or relating to this Agreement or the breach thereof that cannot be resolved by the Parties will be resolved through binding arbitration. Unless otherwise agreed by the Parties, a dispute submitted to binding arbitration pursuant to this paragraph shall be resolved using the following procedures:

(i) The arbitration shall be conducted in the city of New York in accordance with the Commercial Arbitration Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof; and

(ii) There shall be three arbitrators, and the chairperson of the arbitration panel shall be an attorney.

14. *Limitation of Liability.* As between the Participating Organizations, no Participating Organization, including its respective directors, governors, officers,

employees and agents, will be liable to any other Participating Organization, or its directors, governors, officers, employees and agents, for any liability, loss or damage resulting from any delays, inaccuracies, errors or omissions with respect to its performing or failing to perform regulatory responsibilities, obligations, or functions, except (a) as otherwise provided for under the Act, (b) in instances of a Participating Organization's gross negligence, willful misconduct or reckless disregard with respect to another Participating Organization, (c) in instances of a breach of confidentiality obligations owed to another Participating Organization, or (d) in the case of any Participating Organization paying fees hereunder, for any payments due. The Participating Organizations understand and agree that the regulatory responsibilities are being performed on a good faith and best effort basis and no warranties, express or implied, are made by any Participating Organization to any other Participating Organization with respect to any of the responsibilities to be performed hereunder. This paragraph is not intended to create liability of any Participating Organization to any third party.

15. *SEC Approval.*

a. The parties agree to file promptly this Agreement with the SEC for its review and approval. NYSE Regulation and FINRA shall jointly file this Agreement on behalf, and with the explicit consent, of all Participating Organizations.

b. If approved by the SEC, the Participating Organizations will notify their members of the general terms of the Agreement and of its impact on their members.

16. *Subsequent Parties; Limited Relationship.* This Agreement shall inure to the benefit of and shall be binding upon the Participating Organizations hereto and their respective legal representatives, successors, and assigns. Nothing in this Agreement, expressed or implied, is intended or shall: (a) Confer on any person other than the Participating Organizations hereto, or their respective legal representatives, successors, and assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement, (b) constitute the Participating Organizations hereto partners or participants in a joint venture, or (c) appoint one Participating Organization the agent of the other.

17. *Assignment.* No Participating Organization may assign this Agreement without the prior written consent of all the other Participating Organizations, which consent shall not be

unreasonably withheld, conditioned or delayed; provided, however, that any Participating Organization may assign the Agreement to a corporation controlling, controlled by or under common control with the Participating Organization without the prior written consent of any other party.

18. *Severability.* Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

19. *Termination.*

a. Any Participating Organization may cancel its participation in the Agreement at any time, provided that it has given 180 days written notice to the other Participating Organizations (or in the case of a change of control in ownership of a Participating Organization, such other notice time period as that Participating Organization may choose), and provided that such termination has been approved by the SEC. The cancellation of its participation in this Agreement by any Participating Organization shall not terminate this Agreement as to the remaining Participating Organizations.

b. The Regulatory Responsibilities assumed under this Agreement by NYSE Regulation or FINRA (either, an "Invoicing Party") may be terminated by the Invoicing Party against any Participating Organization as follows. The Participating Organization will have thirty (30) days from receipt to satisfy the invoice. If the Participating Organization fails to satisfy the invoice within thirty (30) days of receipt ("Default"), the Invoicing Party will notify the Participating Organization of the Default. The Participating Organization will have thirty (30) days from receipt of the Default notice to satisfy the invoice.

c. The Invoicing Party will have the right to terminate the Regulatory Responsibilities assumed under this Agreement if a Participating Organization has Defaulted in its obligation to pay the invoice on more than three (3) occasions, in any rolling twenty-four (24) month period.

20. *Intermarket Surveillance Group ("ISG").* In order to participate in this Agreement, all Participating Organizations to this Agreement must be members of the ISG.

21. *General.* The Participating Organizations agree to perform all acts

and execute all supplementary instruments or documents that may be reasonably necessary or desirable to carry out the provisions of this Agreement.

22. *Liaison and Notices.* All questions regarding the implementation of this Agreement shall be directed to the persons identified below, as applicable. All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given upon (i) actual receipt by the notified party or (ii) constructive receipt (as of the date marked on the return receipt) if sent by certified or registered mail, return receipt requested, to the following addresses:

For American Stock Exchange LLC: Claudia Crowley, SVP and Chief Regulatory Officer, American Stock Exchange LLC, 86 Trinity Place, New York, NY 10006, Telephone: (212) 306-2432, Facsimile: (212) 306-1219, E-mail: Claudia.Crowley@amex.com.

For Boston Stock Exchange, Inc.: Bruce Goodhue, Chief Regulatory Officer, Boston Stock Exchange, 100 Franklin Street, Boston, MA 02110, Phone: (617) 235-2022, Fax: (617) 235-2355, E-mail: Bruce.Goodhue@bostonstock.com.

For CBOE Stock Exchange, LLC: Timothy Thompson, Chief Regulatory Officer, CBOE Stock Exchange, LLC, 400 S. LaSalle St., Chicago, IL 60605, Telephone: (312) 786-5600, Facsimile: (312) 786-7982, E-mail: Thompson@cboe.com.

For Chicago Stock Exchange, Inc.: David C. Whitcomb, Jr., EVP and Chief Regulatory Officer, Chicago Stock Exchange, Inc., 440 S. LaSalle Street, Chicago, IL 60605, Telephone: (312) 663-2628, Facsimile: (213) 663-2231, E-mail: dwhitcomb@chx.com.

For Financial Industry Regulatory Authority, Inc.: Thomas Gira, Executive Vice President, Market Regulation, FINRA, 1735 K Street, NW., Washington, DC 20006, Telephone: (212) 858-4404, Facsimile: (212) 858-4450, E-mail: Tom.Gira@finra.org.

For International Securities Exchange, LLC: Katherine A. Simmons, Deputy General Counsel, Legal Officer and Assistant Secretary, International Securities Exchange, 60 Broad Street, New York, NY 10004, Telephone: (212) 897-0233, Facsimile: (212) 635-0210, E-mail: ksimmons@ise.com.

For The NASDAQ Stock Market LLC: John A. Zecca, VP and Associate General Counsel, The NASDAQ Stock Market LLC, 9600 Blackwell Road, Rockville, MD 20850, Telephone: (301) 978-8498, Facsimile: (301) 978-8472, E-mail: John.Zecca@nasdaq.com.

For National Stock Exchange, Inc.: James C. Yong, Esq., Chief Regulatory Officer, National Stock Exchange, Inc., 440 S. LaSalle Street, Suite 2600, Chicago, IL 60605, Telephone: 312.786.8893, Facsimile: 312.939.7239, E-mail: James.Yong@nsx.com.

For NYSE Arca, Inc.: Jim Draddy, Chief Regulatory Officer, NYSE Arca, Inc., 100 South Wacker Drive, Suite 1500, Chicago, Illinois 60606, Phone—312 442 7930, Fax—312 442 7778, jdraddy@nyx.com.

For New York Stock Exchange, LLC: William Freeman, Secretary, New York Stock Exchange, LLC, 11 Wall Street, New York, NY 10005, Telephone: (212) 656-6096, Facsimile: (212) 656-8101, E-mail: wfreeman@nyx.com.

For NYSE Regulation, Inc.: John Malitzis, Executive Vice President, Division of Market Surveillance, NYSE Regulation, Inc., 11 Wall Street, 10th Floor, New York, NY 10005, Telephone: (212) 656-2250, Facsimile: (212) 656-4219, E-mail: John.Malitzis@nyx.com.

For Philadelphia Stock Exchange, Inc.: Charles Rogers, Chief Regulatory Officer, Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103, Telephone: (215) 496-1615, Facsimile: (215) 496-1519, E-mail: Charles.Rogers@phlx.com.

23. *Confidentiality.* The parties agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations under this Agreement. No party shall assert regulatory or other privileges as against the other with respect to Regulatory Information that is required to be shared pursuant to this Agreement, as defined by paragraph 11, above.

24. *Regulatory Responsibility.* Pursuant to Section 17(d)(1)(A) of the Act, and Rule 17d-2 thereunder, the Participating Organizations jointly and severally request the SEC, upon its approval of this Agreement, to relieve the Participating Organizations, jointly and severally, of any and all responsibilities with respect to the matters allocated to NYSE Regulation and FINRA pursuant to this Agreement for purposes of sections 17(d) and 19(g) of the Act.

25. *Governing Law.* This Agreement shall be deemed to have been made in the State of New York, and shall be construed and enforced in accordance with the law of the State of New York, without reference to principles of conflicts of laws thereof. Each of the parties hereby consents to submit to the jurisdiction of the courts of the State of New York in connection with any action or proceeding relating to this Agreement.

26. *Survival of Provisions.* Provisions intended by their terms or context to survive and continue notwithstanding delivery of the regulatory services by NYSE Regulation or FINRA, as applicable, the payment of the Fees by the Participating Organizations, and any expiration of this Agreement shall survive and continue.

27. *Amendment.* This Agreement may be amended by any writing duly approved by each Participating Organization. The addition of a new Participating Organization to the Agreement will require an amendment. All such amendments must be filed with and approved by the Commission before they become effective.

28. *Effective Date.* The Effective Date of this Agreement will be the date the SEC declares this Agreement to be effective pursuant to authority conferred by section 17(d) of the Act, and SEC Rule 17d-2 thereunder.

29. *Counterparts.* This Agreement may be executed in any number of counterparts, including facsimile, each of which will be deemed an original, but all of which taken together shall constitute one single agreement between the Parties.

In witness whereof, the Parties hereto have each caused this Agreement for the Allocation of Regulatory Responsibility of Surveillance, Investigation and Enforcement for Insider Trading Agreement to be signed and delivered by its duly authorized representative.

Exhibit A: Common Insider Trading Rules

1. Securities Exchange Act of 1934 Section 10(b), and rules and regulations promulgated there under in connection with insider trading, including SEC Rule 10b-5 (as it pertains to insider trading), which states that:

Rule 10b-5—Employment of Manipulative and Deceptive Devices

It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails or of any facility of any national securities exchange,

a. To employ any device, scheme, or artifice to defraud,

b. To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

c. To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

2. Securities Exchange Act of 1934 Section 17(a), and rules and regulations promulgated there under in connection with insider trading, including SEC Rule 17a-3 (as it pertains to insider trading).

3. The following SRO Rules as they pertain to violations of insider trading: FINRA NASD Rule 2110 (Standards of Commercial Honor and Principles of Trade)

FINRA NASD Rule 2120 (Use of Manipulative, Deceptive or Other Fraudulent Devices)

FINRA NASD Rule 3010 (Supervision)

FINRA NASD Rule 3110 (a) and (c) (Books and Records; Financial Condition)

NYSE Rule 401(a) (Business Conduct)

NYSE Rule 476(a) (Disciplinary Proceedings Involving Charges Against Members, Member Organizations, Allied Members, Approved Persons, Employees, or Others)

NYSE Rule 440 (Books and Records)

NYSE Rule 342 (Offices—Approval, Supervision and Control)

AMEX Cons. Art. II Sec. 3, Confidential Information

AMEX Cons. Art. V Sec. 4 Suspension or Expulsion (b), (h), (i), (j) and (r)

AMEX Cons. Art. XI Sec. 4 Controlled Corporations and Associations—Responsibility for Corporate

Subsidiary; Duty to Produce Books

AMEX Rule 3 General Prohibitions and

Duty to Report (d), (h) (j) and (l)

AMEX Rule 3—AEMI General Prohibitions and Duty to Report (d) and (h)

AMEX Rule 16 Business Conduct

AMEX Rule 320 Offices—Approval, Supervision and Control

AMEX Rule 324 Books and Records

NASDAQ Rule 2110 (Standards of Commercial Honor and Principles of Trade)

NASDAQ Rule 2120 (Use of Manipulative, Deceptive or Other Fraudulent Devices)

NASDAQ Rule 3010 (Supervision)

NASDAQ Rule 3110 (a) and (c) (Books and Records; Financial Condition)

CHX Article 8, Rule 3 (Fraudulent Acts)

CHX Article 9, Rule 2 (Just & Equitable Trade Principles)

CHX Article 11, Rule 2 (Maintenance of Books and Records)

CHX Article 6, Rule 5 (Supervision of Registered Persons and Branch and Resident Offices)

ISE RULE 400 (Just and Equitable Principles of Trade)

ISE RULE 405 (Manipulation)

ISE RULE 408 (Prevention of Misuse of Material Nonpublic Information)

CBOE RULE 4.1 (Practices inconsistent with just and equitable principles)

CBOE RULE 4.2 (adherence to law)

CBOE RULE 4.7 (Manipulation)

CBOE RULE 4.18 (Prevention of the misuse of material nonpublic information)

PHLX RULE 707 (Conduct Inconsistent with Just and Equitable Principles of Trade)

PHLX RULE 748 (Supervision)

PHLX RULE 760 (Maintenance, Retention and Furnishing of Books, Records and Other Information)

PHLX RULE 761 (Supervisory Procedures Relating to ITSFEA and to Prevention of Misuse or Material Nonpublic Information)

PHLX RULE 782 (Manipulative Operations)

NYSE Arca Rule 6.3 (Prevention of the Misuse of Material, Nonpublic Information)

NYSE Arca Rule 6.2(b) Prohibited Acts (J&E)

NYSE Arca Rule 6.1 Adherence to Law

NYSE Arca Rule 6.18 Supervision

NYSE Arca Rule 9.1(c) Office

Supervision

NYSE Arca Rule 9.2(b) Account Supervision

NYSE Arca Rule 9.2(c) Customer Records

NYSE Arca Rule 9.17 Books and Records

NSX Rule 3.1 Business Conduct of ETP Holders

NSX Rule 3.2. Violations Prohibited

NSX Rule 3.3. Use of Fraudulent Devices

NSX Rule 4.1 Requirements

NSX Rule 5.1. Written Procedures

NSX Rule 5.3 Records

NSX Rule 5.5 Chinese Wall Procedures

BSE Chapter II, Sections 26–28 (Anti-Manipulative Provisions)

BSE Chapter II, Section 37 (ITSFEA Procedures)

BSE Chapter XXIV–C, Section 2 (Securities Accounts and Orders of Specialists)

BSE Chapter XXXVII, Section 11

(Limitations on Dealings)

Exhibit B: Fee Schedule

1. *Fees.* NYSE Regulation and, separately, FINRA shall charge each Participating Organization a Quarterly Fee in arrears for the performance of NYSE Regulation's and FINRA's respective regulatory responsibilities under the Plan (each, a "Quarterly Fee," and together, the "Fees").

a. Quarterly Fees.

(1) Quarterly Fees for each Participating Organization will be charged by NYSE Regulation and FINRA, respectively, according to the Participating Organization's "Percentage of Publicly Reported Trades" occurring

over three-month billing periods. The "Percentage of Publicly Reported Trades" shall equal a Participating Organization's number of reported NYSE-listed trades (when billing originates from NYSE Regulation) and combined AMEX-listed, NASDAQ-listed, and CHX solely-listed trades (when billing originates from FINRA) during the relevant period (the "Numerator"), divided by the total number of either all NYSE-listed trades or all combined AMEX-listed, NASDAQ-listed, and CHX solely-listed trades, respectively, for the same period (the "Denominator"). For purposes of clarification, ADF and Trade Reporting Facility (TRF) activity will be included in the Denominator. Additionally, with regard to TRFs, TRF trade volume will be charged to FINRA. Consequently, for purposes of calculating the Quarterly Fees, the volume for each Participant Organization's TRF will be calculated separately (that is, TRF volume will be broken out from the Participating Organization's overall Percentage of Publicly Reported Trades) and the fees for such will be billed to FINRA in accordance with paragraph 1(a)(2), rather than to the applicable Participating Organization.

(2) The Quarterly Fees shall be determined by each of NYSE Regulation and FINRA, as applicable, in the following manner for each Participating Organization:

(a) *Less than 1.0%:* If the Participating Organization's Percentage of Publicly Reported Trades for NYSE-listed trades (in the case of NYSE Regulation) or for combined AMEX-listed, NASDAQ-listed, and CHX solely-listed trades (in the case of FINRA) for the relevant three-month billing period is less than 1.0%, the Quarterly Fee shall be \$3,125, per quarter ("Static Fee");

(b) *Less than 2.0% but No Less than 1.0%:* If the Participating Organization's Percentage of Publicly Reported Trades for NYSE-listed trades (in the case of NYSE Regulation) or for combined AMEX-listed, NASDAQ-listed, and CHX solely-listed trades (in the case of FINRA) for the relevant three-month billing period is less than 2.0% but no less than 1.0%, the Quarterly Fee shall be \$9,375, per quarter ("Static Fee");

(c) *2.0% or Greater:* If the Participating Organization's Percentage of Publicly Reported Trades for NYSE-listed trades (in the case of NYSE Regulation) or for combined AMEX-listed, NASDAQ-listed, and CHX solely-listed trades (in the case of FINRA) for the relevant three-month billing period is 2.0% or greater, the Quarterly Fee shall be the amount equal to the Participating Organization's Percentage

of Publicly Reported Trades multiplied by NYSE Regulation's or FINRA's total charge ("Total Charge"), respectively, for its performance of Insider Trading regulatory responsibilities for the relevant three-month billing period.

(3) *Increases in Static Fees.* NYSE Regulation and FINRA will re-evaluate the Quarterly Fees on an annual basis during the annual budget process outlined in paragraph 1.c. below. During each annual re-evaluation, NYSE Regulation and FINRA will have the discretion to increase the Static Fees by a percentage no greater than the percentage increase in the Final Budget over the preceding year's Final Budget. Any changes to the Static Fees shall not require an amendment to this Agreement, but rather shall be memorialized through the Budget Process.

(4) *Increases in Total Charges.* Any change in the Total Charges (whether a Final Budget increase or any mid year change) shall not require an amendment to this Agreement, but rather shall be memorialized through the budget process.

b. *Source of Data.* For purposes of calculation of the Percentage of Publicly Reported Trades for each Participating Organization, NYSE Regulation and FINRA shall use (a) the Consolidated Tape Association ("CTA") as the exclusive securities information processor ("SIP") for all NYSE Listed Stocks, AMEX Listed Stocks, and CHX Solely Listed Stocks, and (b) the Unlisted Trading Privileges Plan as the exclusive SIP for NASDAQ-listed Stocks.

c. *Annual Budget Forecast.* NYSE Regulation and FINRA will notify the Participating Organizations of the forecasted costs of their respective insider trading programs for the following calendar year by close of business on October 15 of the then-current year (the "Forecasted Budget"). NYSE Regulation and FINRA shall use best efforts to provide as accurate a forecast as possible. NYSE Regulation and FINRA shall then provide a final submission of the costs following approval of such costs by their respective governing Boards (the "Final Budget"). Subject to paragraph 1(d) below, in the event of a difference between the Forecasted Budget and the Final Budget, the Final Budget will govern.

d. *Increases in Fees over Twenty Percent.*

(1) In the event that any proposed increase to Fees by NYSE Regulation or by FINRA for a given calendar year (which increase may arise either during the annual budgetary forecasting

process or through any mid-year increase) will result in a cumulative increase in such calendar year's Fees of more than twenty percent (20%) above the preceding calendar year's Final Budget (a "Major Increase"), then senior management of any Participating Organization (a) that is a Listing Market or (b) for which the Percentage of Publicly Reported Trades is then currently twenty percent (20%) or greater, shall have the right to call a meeting with the senior management of NYSE Regulation or FINRA, respectively, in order to discuss any disagreement over such proposed Major Increase. By way of example, if NYSE Regulation provides a Final Budget for 2009 that represents an 8% increase above the Final Budget for 2008, the terms of this paragraph 1.d.(1) shall not apply; if, however, in April of 2009, NYSE Regulation notifies the Exchange Committee of an increase in Fees that represents an additional 14% increase above the Final Budget for 2008, then the increase shall be deemed a Major Increase, and the terms of this paragraph 1.d.(1) shall become applicable (i.e., 8% + 14% = a cumulative increase of 22% above 2008 Final Budget).

(2) In the event that senior management members of the involved parties are unable to reach an agreement regarding the proposed Major Increase, then the matter shall be referred back to the Exchange Committee for final resolution. Prior to the matter being referred back to the Exchange Committee, nothing shall prohibit the parties from conferring with the SEC. Resolution shall be reached through a vote of no fewer than all Participating Organizations seated on the Exchange Committee, and a simple majority shall be required in order to reject the proposed Major Increase.

e. *Time Tracking.* NYSE Regulation and FINRA shall track the time spent by staff on insider trading responsibilities under this Agreement; however, time tracking will not be used to allocate costs.

2. *Invoicing and Payment.*

a. NYSE Regulation shall invoice each Participating Organization for the Quarterly Fee associated with the regulatory activities performed pursuant to this Agreement during the previous three-month billing period within forty five (45) days of the end of such previous 3-month billing period. A Participating Organization shall have thirty (30) days from date of invoice to make payment to NYSE Regulation on such invoice. The invoice will reflect the Participating Organization's Percentage of Publicly Reported Trades for that billing period.

b. FINRA shall invoice each Participating Organization for the Quarterly Fee associated with the regulatory activities performed pursuant to this Agreement during the previous three-month billing period within forty five (45) days of the end of such previous 3-month billing period. A Participating Organization shall have thirty (30) days from date of invoice to make payment to FINRA on such invoice. The invoice will reflect the Participating Organization's Percentage of Publicly Reported Trades for that billing period.

3. *Disputed Invoices; Interest.* In the event that a Participating Organization disputes an invoice or a portion of an invoice, the Participating Organization shall notify in writing either FINRA or NYSE Regulation (each, an "Invoicing Party"), as applicable, of the disputed item(s) within fifteen (15) days of receipt of the invoice. In its notification to the Invoicing Party of the disputed invoice, the Participating Organization shall identify the disputed item(s) and provide a brief explanation of why the Participating Organization disputes the charges. An Invoicing Party may charge a Participating Organization interest on any undisputed invoice or the undisputed portions of a disputed invoice that a Participating Organization fails to pay within thirty (30) days of its receipt of such invoice. Such interest shall be assessed monthly. Interest will mean one and one half percent per month, or the maximum allowable under applicable Law, whichever is less.

4. *Taxes.* In the event any governmental authority deems the regulatory activities allocated to NYSE Regulation or FINRA to be taxable activities similar to the provision of services in a commercial context, the other Participating Organizations agree that they shall bear full responsibility, on a joint and several basis, for the payment of any such taxes levied on NYSE Regulation or FINRA, or, if such taxes are paid by NYSE Regulation or FINRA directly to the governmental authority, the other Participating Organizations agree that they shall reimburse NYSE Regulation and/or FINRA, as applicable, for the amount of any such taxes paid.

5. *Audit Right; Record Keeping.*

a. *Audit Right.*

(i) *Audit of NYSE Regulation.*

(a) Once every rolling twelve (12) month period, NYSE Regulation shall permit no more than one audit (to be performed by one or more Participating Organizations) of the Fees charged by NYSE Regulation to the Participating Organizations hereunder and a detailed

cost analysis supporting such Fees (the "Audit"). The Participating Organization or Organizations that conduct this Audit will select a nationally-recognized independent auditing firm (or may use its regular independent auditor, providing it is a nationally-recognized auditing firm) ("Auditing Firm") to act on its, or their behalf, and will provide reasonable notice to other Participating Organizations of the Audit and invite the other Participating Organizations to participate in the Audit. NYSE Regulation will permit the Auditing Firm reasonable access during NYSE Regulation's normal business hours, with reasonable advance notice, to such financial records and supporting documentation as are necessary to permit review of the accuracy of the calculation of the Fees charged to the Participating Organizations. The Participating Organization, or Organizations, as applicable, other than NYSE Regulation, shall be responsible for the costs of performing any such audit.

(b) If, through an Audit, the Exchange Committee determines that NYSE Regulation has inaccurately calculated the Fees for any Participating Organization, the Exchange Committee will promptly notify NYSE Regulation in writing of the amount of such difference in the Fees, and, if applicable, NYSE Regulation shall issue a reimbursement of the overage amount to the relevant Participating Organization(s), less any amount owed by the Participating Organization under any outstanding, undisputed invoice(s). If such an Audit reveals that any Participating Organization paid less than what was required pursuant to the Agreement, then that Participating Organization shall promptly pay NYSE Regulation the difference between what the Participating Organization owed pursuant to the Agreement and what that Participating Organization originally paid NYSE Regulation. If NYSE Regulation disputes the results of an audit regarding the accuracy of the Fees, it will submit the dispute for resolution pursuant to the dispute resolution procedures in paragraph 13 hereof.

(c) In the event that through the review of any supporting documentation provided during the Audit, any one or more Participating Organizations desire to discuss with NYSE Regulation the supporting documentation and any questions arising therefrom with regard to the manner in which regulation was conducted, the Participating Organization(s) shall call a meeting with

NYSE Regulation. NYSE Regulation shall in turn notify the Exchange Committee of this meeting in advance, and all Participating Organizations shall be welcome to attend (the "Fee Analysis Meeting"). The parties to this Agreement acknowledge and agree that while NYSE Regulation commits to discuss the supporting documentation at the Fee Analysis Meeting, NYSE Regulation shall not be subject, by virtue of the above Audit rights or any discussions during the Fee Analysis Meeting or otherwise, to any limitation whatsoever, other than the Increase in Fee provisions set forth in paragraph 1.d. of this Exhibit, on its discretion as to the manner and means by which it conducts its regulatory efforts in its role as the SRO primarily liable for regulatory decisions under this Agreement. To that end, no disagreement among the Participating Organizations as to the manner or means by which NYSE Regulation conducts its regulatory efforts hereunder shall be subject to the dispute resolution procedures hereunder, and no Participating Organization shall have the right to compel NYSE Regulation to alter the manner or means by which it conducts its regulatory efforts. Further, a Participating Organization shall not have the right to compel a rebate or reassessment of fees for services rendered, on the basis that the Participating Organization would have conducted regulatory efforts in a different manner than NYSE Regulation in its professional judgment chose to conduct its regulatory efforts.

ii. Audit of FINRA.

(a) Once every rolling twelve (12) month period, FINRA shall permit no more than one audit (to be performed by one or more Participating Organizations) of the Fees charged by FINRA to the Participating Organizations hereunder and a detailed cost analysis supporting such Fees (the "Audit"). The Participating Organization or Organizations that conduct this Audit will select a nationally-recognized independent auditing firm (or may use its regular independent auditor, providing it is a nationally-recognized auditing firm) ("Auditing Firm") to act on its, or their behalf, and will provide reasonable notice to other Participating Organizations of the Audit. FINRA will permit the Auditing Firm reasonable access during FINRA's normal business hours, with reasonable advance notice, to such financial records and supporting documentation as are necessary to permit review of the accuracy of the calculation of the Fees charged to the Participating Organizations. The Participating Organization, or

Organizations, as applicable, other than FINRA, shall be responsible for the costs of performing any such audit.

(b) If, through an Audit, the Exchange Committee determines that FINRA has inaccurately calculated the Fees for any Participating Organization, the Exchange Committee will promptly notify FINRA in writing of the amount of such difference in the Fees, and, if applicable, FINRA shall issue a reimbursement of the overage amount to the relevant Participating Organization(s), less any amount owed by the Participating Organization under any outstanding, undisputed invoice(s). If such an Audit reveals that any Participating Organization paid less than what was required pursuant to the Agreement, then that Participating Organization shall promptly pay FINRA the difference between what the Participating Organization owed pursuant to the Agreement and what that Participating Organization originally paid FINRA. If FINRA disputes the results of an audit regarding the accuracy of the Fees, it will submit the dispute for resolution pursuant to the dispute resolution procedures in paragraph 13 hereof.

(c) In the event that through the review of any supporting documentation provided during the Audit, any one or more Participating Organizations desire to discuss with FINRA the supporting documentation and any questions arising therefrom with regard to the manner in which regulation was conducted, the Participating Organization(s) shall call a meeting with FINRA. FINRA shall in turn notify the Exchange Committee of this meeting in advance, and all Participating Organizations shall be welcome to attend (the "Fee Analysis Meeting"). The parties to this Agreement acknowledge and agree that while FINRA commits to discuss the supporting documentation at the Fee Analysis Meeting, FINRA shall not be subject, by virtue of the above Audit rights or any discussions during the Fee Analysis Meeting or otherwise, to any limitation whatsoever, other than the Increase in Fee provisions set forth in paragraph 1.d. of this Exhibit, on its discretion as to the manner and means by which it conducts its regulatory efforts in its role as the SRO primarily liable for regulatory decisions under this Agreement. To that end, no disagreement among the Participating Organizations as to the manner or means by which FINRA conducts its regulatory efforts hereunder shall be subject to the dispute resolution procedures hereunder, and no Participating Organization shall have

the right to compel FINRA to alter the manner or means by which it conducts its regulatory efforts. Further, a Participating Organization shall not have the right to compel a rebate or reassessment of fees for services rendered, on the basis that the Participating Organization would have conducted regulatory efforts in a different manner than FINRA in its professional judgment chose to conduct its regulatory efforts.

b. *Record Keeping.* In anticipation of any audit that may be performed by the Exchange Committee under paragraph 5.a. above, NYSE and FINRA shall each keep accurate financial records and documentation relating to the Fees charged by each, respectively, under this Agreement.

Exhibit C: Reports

NYSE Regulation and FINRA shall provide the following information in reports to the Exchange Committee, which information covers activity occurring under this Agreement:

1. *Alert Summary Statistics:* Total number of surveillance system alerts generated by quarter along with associated number of reviews and investigations. In addition, this paragraph shall also reflect the number of reviews and investigations originated from a source other than an alert. A separate table would be presented for Amex Listed, Nasdaq Listed, and CHX Solely Listed equity trading activity.

2008	Surveillance alerts	Investigations
1st Quarter		
2nd Quarter		
3rd Quarter		
4th Quarter		
2008 Total		

2. *Aging of Open Matters:* Would reflect the aging for all currently open matters for the quarterly period being reported. A separate table would be presented for Amex Listed, Nasdaq Listed, and CHX Solely Listed equity trading activity.

Example:

	Surveillance alerts	Investigations
0–6 months		
6–9 months		
9–12 months		
12+ months		
Total		

3. *Timeliness of Completed Matters:* Would reflect the total age of those matters that were completed or closed during the quarterly period being

reported. NYSE and FINRA will provide total referrals to the SEC.

Example:

	Surveillance alerts	Investigations
0–6 months		
6–9 months		
9–12 months		
12+ months		
Total		

4. *Disposition of Closed Matters:* Would reflect the disposition of those matters that were completed or closed during the quarterly period being reported. A separate table would be presented for Amex Listed, Nasdaq Listed, and CHX Solely Listed equity trading activity.

Example:

	Surveillance YTD	Investigations YTD
No Further Review		
Letter of Caution/Admonition/Fine		
Referred to Legal/Enforcement		
Referred to SEC/SRO		
Merged		
Other		
Total		

5. *Pending Reviews.* In addition to the above reports, the Chief Regulatory Officer (CRO) (or his or her designee) of any Participating Organization that is also a listing market (including CHX) may inquire about pending reviews involving stocks listed on that Participating Organization's market. NYSE Regulation and FINRA, respectively, will respond to such inquiries from a CRO; provided, however, that (a) the CRO must hold any information provided by NYSE Regulation and FINRA in confidence and (b) NYSE Regulation and FINRA will not be compelled to provide information in contradiction of any mandate, directive or order from the SEC, U.S. Attorney's Office, the Office of any State Attorney General or court of competent jurisdiction.

* * * * *

III. Date of Effectiveness of the Proposed Plan and Timing for Commission Action

Pursuant to Section 17(d)(1) of the Act¹⁴ and Rule 17d-2 thereunder,¹⁵

¹⁴ 15 U.S.C. 78q(d)(1).

¹⁵ 17 CFR 240.17d-2.

after September 8, 2008, the Commission may, by written notice, declare the plan submitted by the Amex, BSE, CBOE, CHX, FINRA, ISE, NASDAQ, NSX, NYSE, NYSE Arca, NYSE Regulation, and Phlx, File No. 4–566, to be effective if the Commission finds that the plan, or any part thereof, is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system and a national system for the clearance and settlement of securities transactions and in conformity with the factors set forth in Section 17(d) of the Act.

IV. Solicitation of Comments

In order to assist the Commission in determining whether to approve the 17d-2 plan, interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/other.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number 4–566 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090. All submissions should refer to File Number 4–566. 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/other.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan that are filed with the Commission, and all written communications relating to the proposed plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the plan also will be available for inspection and copying at the principal offices of Amex, BSE, CBOE, CHX,

FINRA, ISE, NASDAQ, NSX, NYSE, NYSE Arca, NYSE Regulation, and Phlx. 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 4-566 and should be submitted on or before September 8, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-19068 Filed 8-15-08; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58341; File No. SR-Amex-2008-60]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of a Proposed Rule Change Relating to Margin Requirements for Fixed Return Options

August 11, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended (“Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that on July 21, 2008, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 462(d)10 to clarify the margin requirements applicable to Fixed Return Options (“FROs” or “Fixed Return Options”).³

The text of the proposed rule change is available on the Amex’s Web site at <http://www.amex.com>, the Office of the Secretary, the Amex 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 Amex 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 Amex 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposal is to add clarity regarding the application of FRO margin requirements in connection with “spreads” and “straddle/combination” strategies. In addition, the proposal also seeks to clarify the use of “cover” and a “cash account” in connection with FROs.

Currently, Rule 462(d)10 is silent regarding the use of “spread” and “straddle/combination” positions. With respect to a “spread” position in FROs, the Amex proposes that no margin be required on a Finish High⁴ FRO (Finish Low⁵ FRO) carried short in a customer’s account that is offset by a long Finish High FRO (Finish Low FRO) for the same underlying security or instrument that expires at the same time and has an exercise or strike price that is less than (greater than) the exercise or strike price of the short Finish High (Finish Low). As set forth in Rule 462(d)10(B), the long Finish High (Finish Low) must be paid for in full.

In connection with a straddle/combination, when a Finish High FRO

is carried short in a customer’s account and there is also carried a short Finish Low FRO that expires at the same time and has an exercise price or strike price that is less than or equal to the exercise or strike price of the short Finish High, the initial and maintenance margin required would be the exercise settlement amount applicable to one contract.

With respect to the concept of “cover” the Exchange proposes a clarification that “cover” is applicable only to “cash accounts.” In such a case, a FRO carried short in a customer’s account will be deemed a covered position, and eligible for the cash account, if either one of the following is held in the account at the time the FRO is written or is received into the account promptly thereafter:

- Cash or cash equivalents equal to 100% of the exercise settlement amount;
- A long FRO of the same type (Finish High or Finish Low) for the same underlying security or instrument that is paid for in full and expires at the same time, and has an exercise or strike price that is less than the exercise or strike price of the short in the case of a Finish Low; or
- An escrow agreement.

The escrow agreement must certify that the bank holds for the account of the customer as security for the agreement (A) cash, (B) cash equivalents, (C) one or more qualified equity securities, or (D) a combination thereof having an aggregate market value of not less than 100% of the exercise settlement amount and that the bank will promptly pay the member organization the cash settlement amount in the event the account is assigned an exercise notice.

The Exchange believes that the proposed revision reducing the customer margin applicable to “spread” and “straddle/combination” positions in FROs is appropriate because risk exposure is significantly reduced under these strategies.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Exchange Act⁶ in general and furthers the objectives of Section 6(b)(5)⁷ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities,

¹⁶ 17 CFR 200.30-3(a)(34).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange commenced the trading of FROs on May 8, 2008. In August 2007, the Commission approved the Exchange proposal to list and trade FROs based on individual stocks and exchange-traded funds (“ETFs”). See Exchange Act Release No. 56251 (August 14, 2007), 72 FR 46523 (August 20, 2007). In connection with the ability to trade FROs, the Options Clearing Corporation (“OCC”) also filed proposed rule changes as well as a revision to the Options Disclosure Document (“ODD”). The Commission recently approved the

ODD revisions so that FROs may commence trading on the Exchange. See Exchange Act Release No. 57744 (April 30, 2008), 73 FR 25072 (May 6, 2008) (SR-ODD-2008-01). The Commission previously approved proposed OCC rule changes in December 2007. See Exchange Act Release No. 56875 (November 30, 2007), 72 FR 69274 (December 7, 2007).

⁴ A “Finish High” FRO is defined in Rule 900 FRO(b)(2) as an option contract which returns \$100 if the underlying security closes above the strike price at expiration.

⁵ A “Finish Low” FRO is defined in Rule 900 FRO(b)(3) as an option contract which returns \$100 if the underlying security closes below the strike price at expiration.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposal will benefit the marketplace and provide market participants with greater clarity in connection with their responsibilities in the trading and handling of FRO transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange did not receive any written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File No. SR-Amex-2008-60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-Amex-2008-60. 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 at (<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 available publicly. All submissions should refer to File Number SR-Amex-2008-60 and should be submitted on or before September 8, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Florence. E. Harmon,

Acting Secretary.

[FR Doc. E8-19030 Filed 8-15-08; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58343; File No. SR-DTC-2008-06]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change as Amended To Modify End of Day Settlement Procedures Relating to Settlement Acknowledgement Cut-off Time Frames for Settling Banks

August 12, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on June 19, 2008, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") and on August 7, 2008, amended the proposed rule change as

described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change as amended from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

DTC is seeking to modify its end of day settlement procedures relating to settlement acknowledgement cut-off timeframes for Settling Banks.²

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.³

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

DTC's End-of-Day Settlement Processing controls and coordinates the settling of Participant accounts and Settling Bank accounts on DTC's systems. The settlement process occurs through the Fedwire system and is initiated when DTC posts final figures for Participants and Settling Banks. Although the actual settlement process begins with the posting of the final settlement figures at approximately 3:45 pm each day,⁴ DTC operates a settlement system that provides Participants and Settling Banks with online reports throughout the processing day. These reports reflect gross debits, gross credits, and the net debit or credit for each Participant, and a net-net figure for each Settling Bank. Settling Banks, which settle for themselves, may also settle for other Participants. Currently, cut-off for Settling Banks to acknowledge their net-net settlement balance or to refuse to settle for a specific Participant is the later of 4:30 pm or 30 minutes after net-net settlement balances are first made

² The term "Settling Bank" means a Participant, which is a bank or trust company, subject to supervision or regulation pursuant to Federal or State banking laws, and a party to an effective Settling Bank Agreement.

³ The Commission has modified the text of the summaries prepared by DTC.

⁴ All times are Eastern Standard Time.

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

available by DTC.⁵ Any Participant for which a Settling Bank has refused to settle must make arrangement for any payment due DTC.

Once the Settling Bank acknowledgement process has been completed, DTC utilizes the Federal Reserve Bank's National Settlement Service ("NSS") to effect end-of-day cash settlement.

DTC is proposing that the cut-off time for Settling Banks to acknowledge their settlement balance be the later of 4:15 pm or 30 minutes after DTC has posted final net-net settlement balances. DTC is proposing this change to enable DTC to be in a position to release the credit amount due Participants at an earlier time. Since DTC provides each Settling Bank with online reports throughout the processing day, which reflect gross debits, gross credits, and the net debit or credit for each Participant and a net-net figure for the Settling Bank, DTC believes that this earlier cut-off time should not cause any undo burden. In the event that a Settling Bank is experiencing difficulty in identifying customer cash flows or has another extenuating circumstance and as a result needs more time to acknowledge settlement, that Settling Bank would have to notify the Settlement department of its request for additional time prior to 4:15 pm.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act⁶ and the rules and regulations thereunder applicable to DTC because it should promote the prompt and accurate clearance and settlement of securities transactions by enabling DTC to send the NSS file to the Federal Reserve Bank of New York earlier in the day thus completing settlement earlier.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have been received and addressed by amendment to the proposed rule change. DTC will

notify the Commission if it receives additional comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety 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 such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-DTC-2008-06 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-DTC-2008-06. 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 Section, 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 DTC and on DTC's Web site at http://www.dtcc.com/downloads/legal/rule_filings/2008/dtc/2008-06.pdf. 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-DTC-2008-06 and should be submitted on or before September 8, 2008.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.⁷

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-19028 Filed 8-15-08; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58328; File No. SR-NYSE-2008-45]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Amending NYSE Rule 98 and Related Rules To Redefine Specialist Operations at the NYSE

August 7, 2008.

I. Introduction

On June 11, 2008, the New York Stock Exchange LLC ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend NYSE Rule 98 and related rules to allow its member organizations greater flexibility in structuring their specialist operations and managing their risk. The proposed rule change was published for comment in the **Federal Register** on July 3, 2008.³ On August 7, 2008, the NYSE filed Amendment No. 1 to the proposed rule change.⁴ The Commission received no

⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 58052 (June 27, 2008), 73 FR 38274 ("Notice").

⁴ In Amendment No. 1, the NYSE revises the text of proposed NYSE Rule 460.10 to conform it to the description of proposed NYSE Rule 460.10 as set forth in the Notice. Because Amendment No. 1 is

⁵ The end-of-day net-net figure is the net of all participants' net balances after cross endorsement with the National Securities Clearing Corporation for which a Settling Bank settles, including its own accounts.

⁶ 15 U.S.C. 78q-1.

comments on the proposal. This order approves the proposed rule change, as amended.

II. Background and Introduction

The NYSE adopted NYSE Rule 98 in 1986 when NYSE specialist firms, which had been independent member-owned entities, were increasingly becoming affiliates of larger member organizations.⁵ Because of the specialists' unique position in the market, NYSE Rule 98 requires an organizational separation between the specialist and any affiliates. The purpose of that separation is to eliminate or control conflicts of interest between the specialist's responsibilities to the market and to any customer orders the specialist may represent as agent, and the business activities of the specialist's affiliates.

NYSE Rule 98 currently applies to specialist organizations and "approved persons" of specialist organizations. "Approved persons" are entities that are in a control relationship with a specialist organization, or share a common corporate parent with the specialist organization and are engaged in a kindred business.⁶ NYSE Rule 98 subjects all approved persons of a specialist organization to the NYSE specialist rules. Among other things, approved persons are subject to restrictions on their ability to trade in specialty stock options, restrictions on certain of their business transactions with issuers for whom the specialist organization is the registered specialist, and limits on the amount of securities of such issuers that the specialist and approved persons may own in the aggregate.

To avoid unnecessarily restricting a member organization's overall operations, however, the current rules provide that each approved person may separately seek NYSE approval to be exempted from most of these restrictions. To obtain such an exemption, an approved person and the specialist member organization with which such approved person is to be associated must obtain the written agreement of NYSE Regulation, Inc. ("NYSE Regulation") that the approved person and such member organization have established policies and procedures that are consistent with the guidelines prescribed by NYSE Rule 98. These guidelines set out in detail how approved persons and their associated

specialist organizations should structure and conduct their respective businesses in order to ensure complete separation between the specialist organization and the rest of the member organization. For example, these guidelines require (1) the specialist unit to be housed in a separate corporate entity and broker-dealer from its approved persons; (2) the maintenance of separate books and records, financial accounting, and required capital by the specialist unit; and (3) procedures to safeguard confidential information derived from business interactions with the issuer or contained in draft research reports prepared by the approved person.

NYSE Rule 98 currently limits the ability of a specialist member organization and its approved persons to share operational support personnel, and permits dual affiliation only if the specialist member organization and approved person provide the Exchange with a written statement of the duties of such person and why it is necessary for the individual to have a dual affiliation. Any changes to dual affiliations must be submitted to the Exchange for approval in advance of making such change.

The current NYSE rules also limit the ability of a specialist, its member organization, and approved persons to manage the specialist member organization's trading risks. Specifically, NYSE Rule 98 restricts an approved person from being involved in any trading decisions of an associated specialist member organization and NYSE Rule 105 restricts the specialist member organization's ability to trade in options and security futures on securities allocated to the specialist member organization.

The NYSE believes that NYSE Rule 98 creates an administrative burden on specialist organizations and their approved persons because each approved person must continually update a separate exemption for each activity that would otherwise be restricted. The NYSE also believes that its current rule unnecessarily constrains the ability of specialist organizations and their approved persons to manage the specialist organization's risks and places them at a competitive disadvantage vis-a-vis other market making or trading firms. Accordingly, the NYSE proposes to amend NYSE Rule 98 to provide member organizations with more flexibility with regard to how they structure their specialist operations and manage risk. NYSE also proposes to make conforming changes to other NYSE rules that rely on the NYSE Rule 98 exemptions for approved persons.

As discussed in further detail below, the revisions to NYSE Rule 98 would include: (1) Redefining the persons to whom NYSE Rule 98 would apply; (2) allowing specialist operations to be integrated into a member organization; (3) permitting a specialist unit to share non-trading related services with its member organization or approved persons; and (4) providing flexibility to member organizations and their approved persons in how to conduct risk management of specialist operations.

After careful review, and as discussed below, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁷ In particular, the Commission finds that the proposed rule change, as amended, is consistent with Section 6(b)(5) of the Act,⁸ which requires that the rules of the exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national securities system, and, in general, to protect investors and the public interest.

The restrictions in current NYSE Rule 98 and related rules are intended to address two primary concerns. The first concern is the potential that an affiliate could unfairly use non-public information, such as information on a specialist's book or information regularly provided to him by other market participants because of his central role as a primary market specialist. If a specialist's affiliates had access to such information, it would have a perceived advantage over competing firms and the public at large in trading stocks assigned to the affiliated specialist. The same concern about the potential for unfair use of non-public information would arise if the specialist had advance information about the activities of its affiliates (e.g., a change in the firm's buy or sell recommendation or an imminent block transaction away from the market). Access to such information would allow the specialist to position itself to benefit from price changes that might result once that information became publicly available. The second concern is that a specialist unit could favor its affiliates by providing orders placed by the affiliate with more favorable executions

technical in nature, the Commission is not publishing it for comment.

⁵ See Securities Exchange Act Release No. 23768 (November 3, 1986), 51 FR 41183 (November 13, 1986) (SR-NYSE-85-25).

⁶ See NYSE Rules 2(d) and 304(e).

⁷ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁸ 15 U.S.C. 78f(b)(5).

and by providing useful market information to the affiliated firm (or to its broker on the exchange trading floor) but not to others. In some cases, such conflicts of interest could result in the specialist neglecting his duty to make a fair and orderly market by giving an affiliate's principal or agency orders a more favorable execution.

The potential for misuse of non-public information and conflicts of interest, if not addressed by appropriate procedures and the monitoring and surveillance of the continuing adequacy of such procedures, could result in potential manipulative market activity and informational advantages benefiting the approved person, the specialist unit, or the customers of either. As discussed in more detail below, the Commission believes that the changes NYSE proposes to make to NYSE Rule 98 and related rules address these concerns.

III. Proposed Amendments to NYSE Rule 98

In response to concerns described above with current NYSE Rule 98, NYSE proposes a wholesale change to NYSE Rule 98 that would apply a more principles-based approach. In addition, under the proposed rule, instead of reviewing whether to grant each approved person an exemption from NYSE Rule 98, NYSE Regulation would review whether the specialist unit itself has adequate policies, procedures, controls, and surveillance designed to prevent the misuse of specialist confidential information⁹ and non-public order¹⁰ information. If the specialist unit has such policies, procedures, controls, and surveillance, the specialist rules would generally only be applicable to the specialist unit and not to affiliates of the specialist. In addition to the information barriers and other NYSE Regulation approved controls, specialists would continue to be subject to Exchange rules that govern their access to and use of non-public order information.¹¹

⁹ "Specialist confidential information" means any non-public information relating to a specialist unit's trading or quoting in its specialty securities, including positions or any other indication of a specialist's trading or quoting interest, the specialist algorithm, or any other public information relating to a specialist's interactions with its specialist security, but not including non-public order information. See proposed NYSE Rule 98(b)(6).

¹⁰ A "Non-public order" is an order, whether expressed electronically or verbally, or any information regarding a reasonably imminent non-public transaction or series of transactions entered or intended for entry or execution on the NYSE and which is not publicly available on a real-time basis via an NYSE-provided data-feed. See proposed NYSE Rule 98(b)(7).

¹¹ See, e.g., NYSE Rules 70.20(h)(ii), 104(b), 115, and 115A.

A. Operating a Specialist Unit

Under proposed NYSE Rule 98(c), a member organization must obtain prior written approval from NYSE Regulation to operate a specialist unit. To obtain such approval, NYSE Regulation would have to determine that the specialist unit has: (i) Adopted and implemented comprehensive written procedures and guidelines governing the conduct and supervision of business handled by the specialist unit; (ii) established a process for regular review of such written policies and procedures; and (iii) implemented controls and surveillances reasonably designed to prevent and detect violations of these procedures and guidelines. These policies and procedures would have to be reasonably designed to maintain the confidentiality of specialist confidential information and non-public order information. In this regard, proposed NYSE Rule 98(c) would require a member organization's policies and procedures to prohibit approved persons and the member organization's departments, divisions, or aggregation units that are not part of the specialist unit from having access to specialist confidential information and non-public order information.¹² In addition, such policies and procedures would have to prohibit a specialist unit from having access to material non-public order information in the possession of other aggregation units of the member organization related to the securities allocated to that specialist unit.¹³

Further, a specialist unit that is not operated as part of an integrated proprietary aggregation unit would have to comply with all the requirements of an aggregation unit.¹⁴ Accordingly, as required by Rule 200(f) of Regulation SHO, such a specialist unit would have to have a written plan of organization that specifies its trading objectives and meets all the other requirements of an independent trading unit under Regulation SHO.¹⁵

The proposed rule would permit senior managers who are not dedicated to the specialist unit and are associated

¹² However, a specialist may make available to a Floor broker associated or affiliated with an approved person or member organization any information that the specialist would be permitted to provide under Exchange rules to an unaffiliated Floor broker. See proposed NYSE Rule 98(c)(2)(A)(ii).

¹³ See proposed NYSE Rules 98(c)(1) and (c)(2).

¹⁴ See proposed NYSE Rules 98(b)(11) and 98(c)(2)(B).

¹⁵ See 17 CFR 242.200(f). To be exempt from the restrictions in NYSE Rule 105 pursuant to proposed Rule 98(f)(1), the written plan of organization required by Rule 200(f) of Regulation SHO would need to specify the specialist unit's trading objectives for trading in related products.

with either an approved person or a member organization that runs a specialist unit to provide management oversight to the specialist unit. A member organization's policies and procedures would need to be reasonably designed to ensure that such management oversight does not conflict with or compromise the specialist unit's compliance with the specialist rules. The proposed rule would also provide specific guidelines for access by the senior managers not assigned to the specialist unit to specialist confidential information or non-public order information, which are designed to prevent the misuse of such information. For example, proposed NYSE Rule 98(c)(2)(E) would provide that if a senior manager is called upon for risk management purposes and gains access to specialist confidential information or non-public order information in connection with that role, the senior manager must not make (directly or indirectly) specialist confidential information or non-public order information available to the persons or systems responsible for making trading decisions in aggregation units, departments, divisions, or trading desks that are not part of the specialist unit, including the customer-facing departments. The senior manager also must not use such information to directly or indirectly influence the day-to-day trading decisions of the other aggregation units of the member organization or approved person with respect to the securities allocated to the specialist unit.¹⁶

Proposed NYSE Rule 98(c) would enumerate certain bright line divisions that the specialist unit must maintain, including information barriers between the specialist unit and investment banking, research, and customer-facing departments and approved persons. These divisions are designed to ensure that the specialist unit cannot access material non-public information about securities allocated to that unit from either its approved persons or non-specialist operations of a parent member organization.¹⁷ In addition, as discussed above, these divisions are designed to ensure that a member organization's departments, divisions, or aggregation units not part of the specialist unit, including investment banking, research, and customer-facing departments, cannot access specialist confidential information or non-public order

¹⁶ See proposed NYSE Rule 98(c)(2)(E). See Notice, *supra* note 3, at 73 FR at 38278.

¹⁷ See proposed NYSE Rule 98(c)(2)(C).

information.¹⁸ Finally, a specialist unit would be required to maintain or have allocated to it net capital sufficient to meet the requirements of NYSE Rule 104.21.¹⁹

NYSE Regulation would review a member organization's surveillance plans and internal controls to ensure that they are reasonably designed to protect information as required under the proposed rule. As with the current rule, NYSE Regulation would also review whether a member organization has implemented internal audit procedures to ensure compliance with such organization's NYSE Rule 98 policies and procedures. The Exchange represents that the NYSE Regulation review for approving a specialist unit would be as rigorous as the current review for obtaining an exemption from current NYSE Rule 98.²⁰ As with the current NYSE Rule 98 exemption process, staff from both the Market Surveillance Division of NYSE Regulation, as well as staff from the Financial Industry Regulatory Authority, Inc. ("FINRA") who are responsible for the routine examinations of specialist units, would be involved in reviewing a specialist unit's written policies and procedures and proposed automated surveillances and controls.²¹

After a member organization has been approved to operate a specialist unit, NYSE Regulation and FINRA would conduct examinations to determine whether a specialist unit's policies and procedures continue to meet the rule requirements and whether the controls and automated surveillances are functioning as designed. As part of the examinations, NYSE Regulation and FINRA would conduct on-site reviews of a specialist unit to review for breaches of the controls or surveillances.²² In addition, NYSE states that a specialist unit would need to seek approval from NYSE Regulation, before making any material changes to its operations.²³

The Commission finds that the requirements in proposed Rule 98(c) are consistent with the Act. The Commission believes that the proposed rule change, as amended, establishes guidelines for a member organization's

policies and procedures that will protect against the improper disclosure and sharing of specialist confidential information and non-public order information.

B. Operating a Specialist Unit Within an Integrated Proprietary Aggregation Unit

Proposed NYSE Rule 98 would permit a member organization to seek approval to operate a specialist unit within an integrated proprietary aggregation unit. An "integrated proprietary aggregation unit" is proposed to be defined to mean a department, division, or desk that meets the requirements of the definition of an "independent trading unit" under Rule 200 of Regulation SHO with a trading objective to engage in proprietary trading, including market-making activities.²⁴ An integrated proprietary aggregation unit must be separate from any investment banking, research, or customer-facing department.²⁵

To protect specialist confidential information and non-public order information, a member organization would be permitted to operate a specialist unit within an integrated proprietary aggregation unit, if NYSE Regulation approves such operations and the member organization: (i) Adopts and implements comprehensive written procedures and guidelines governing the conduct and supervision of business handled by the unit; (ii) establishes a process for regular review of such written policies and procedures; and (iii) implements controls and surveillances reasonably designed to prevent and detect violations of these procedures and guidelines.²⁶

In addition, to operate a specialist unit within an integrated proprietary aggregation unit, the specialist unit's policies and procedures would have to meet those requirements for operating a specialist unit pertaining to information barriers associated with the specialist unit and non-specialist unit operations, net capital requirements, and senior management oversight.²⁷ A specialist unit operating within an integrated proprietary aggregation unit would not be required to separately comply with all requirements of a Regulation SHO independent trading unit because the integrated proprietary aggregation unit of which it is a part would be required

to comply with Rule 200(f) of Regulation SHO.²⁸

The member organization's policies and procedures would also need to restrict access within the integrated proprietary aggregation unit to non-public order information. Specifically, except for senior managers pursuant to policies and procedures adopted under proposed NYSE Rule 98(c)(2)(E), the specialist unit must not permit systems and individuals not assigned to the specialist unit to have access to non-public order information.²⁹ For example, because the specialist application protocol interface ("specialist API") currently has access to non-public order information, systems not dedicated to the specialist unit could not be integrated with the specialist API. Accordingly, the trading algorithms of the integrated proprietary aggregation unit that are not dedicated to the specialist unit must not have access to any non-public order information via the specialist API, or any other system.³⁰

A member organization's policies and procedures would have to prohibit individuals assigned to the specialist unit, while on the Exchange floor,³¹ from communicating with individuals or systems responsible for making trading decisions for the integrated proprietary aggregation unit.³² However, such policies and procedures could permit a specialist unit employee to move, on an intra-day basis, to an off-Floor location and engage in a non-specialist related role within the integrated proprietary aggregation unit.³³ The policies and procedures of a member organization that chooses to allow individuals to so move must be reasonably designed to prohibit such individual from (1) making any non-public order information or specialist confidential information available to individuals or systems responsible for

²⁸ See *supra* note 24 and accompanying text. The Exchange states that there may be some Regulation SHO issues in connection with how a member organization may choose to structure its specialist unit within an integrated proprietary aggregation unit or provide risk management to the specialist unit pursuant to proposed NYSE Rule 98(f). Accordingly, the Exchange represents that it would not approve a specialist unit to operate under proposed NYSE Rule 98 until all Regulation SHO issues that may arise have been resolved. See Notice, *supra* note 3, at 73 FR at 38279.

²⁹ See proposed NYSE Rule 98(d)(2)(B)(i) and (ii).

³⁰ See Notice, *supra* note 3, at 73 FR 38279.

³¹ NYSE rules define being on the Floor to include the trading Floor of the Exchange, and the premises immediately adjacent thereto, such as the various entrances and lobbies of 11 Wall Street, 18 New Street, 12 Broad Street, and 18 Broad Street, as well as the telephone lobby in the first basement of 11 Wall Street. See NYSE Rule 112(b).

³² See proposed NYSE Rule 98(d)(2)(B)(iii).

³³ See proposed NYSE Rule 98(d)(2)(B)(iv).

¹⁸ See proposed NYSE Rule 98(c)(2)(A)(i) and *supra* notes 12 and 13 and accompanying text.

¹⁹ See proposed NYSE Rule 98(c)(2)(D).

²⁰ See Notice, *supra* note 3, at 73 FR at 38278.

²¹ See Notice, *supra* note 3, at 73 FR at 38279. In the Notice, the Exchange stated that "[w]here feasible, NYSE Regulation will expect specialist units to use automated surveillances to check for breaches of the information barriers required by the proposed rule." *Id.*

²² *Id.*

²³ *Id.*

²⁴ See proposed NYSE Rule 98(b)(11) and (14); 17 CFR 242.200(f).

²⁵ See proposed NYSE Rule 98(b)(14).

²⁶ See proposed NYSE Rule 98(d)(1) and (2).

²⁷ See proposed NYSE Rules 98(d)(2)(A) and 98(c)(2)(A), (C), (D), and (E).

making trading decisions for the integrated proprietary aggregation unit and (2) using any non-public order information or, except for certain risk management activities as described below,³⁴ specialist confidential information in connection with making trading decisions for the integrated proprietary aggregation unit.³⁵

Proposed NYSE Rule 98 would no longer require separate books and records for a specialist unit operating within an integrated proprietary aggregation unit. However, to allow NYSE Regulation to review the trading activity by the specialist unit at the Exchange without having to parse through commingled records, under proposed NYSE Rule 98(d)(2)(C), an integrated proprietary aggregation unit would have to maintain records of its specialist's accounts in a manner that is separate from the accounts of the integrated proprietary aggregation unit.³⁶ Similarly, to ensure that NYSE Regulation can review the trading activities of the integrated proprietary aggregation unit, proposed NYSE Rule 98(d)(4) would require an integrated proprietary aggregation unit to maintain audit trail information for any trading by such unit, including trading at the Exchange and at other market centers. Further, the proposed amendments to NYSE Rule 132B would apply the Order Tracking System ("OTS") requirements to trading by a specialist unit, and if applicable, an integrated proprietary aggregation unit.³⁷ A member organization would be required to maintain sufficient records to reconstruct in a time-sequenced manner its trading in securities allocated to the specialist unit and any trading by the integrated proprietary aggregation unit in those securities in other market centers or trading in related products.³⁸

The Commission finds that the NYSE's proposal to permit a member organization to operate a specialist unit within an integrated proprietary aggregation unit is consistent with the Act. The Commission believes that the guidelines established for member organization policies and procedures and NYSE Regulation review are designed to protect specialist confidential information and non-public

order information and mitigate the potential for conflicts of interest in a member organization. The Commission also believes that operation of a specialist unit within an integrated proprietary aggregation unit need not interfere with the specialist's obligations under Exchange Rules. In particular, proposed NYSE Rule 98(d) would establish that the specialist rules would apply to any trading on or through the systems and facilities of the Exchange by the integrated proprietary aggregation unit through the specialist unit in the securities that are allocated to the specialist unit and to the integrated proprietary aggregation unit if the integrated proprietary aggregation unit causes the specialist unit to violate the specialist rules.³⁹ In this regard, NYSE states that if there is a conflict between the specialist unit's market making obligations and the integrated proprietary aggregation unit's trading, the presumption would be in favor of the specialist unit's market making obligations.⁴⁰

C. Sharing Non-Trading Related Services

Proposed NYSE Rule 98(e) would allow a specialist member organization and its approved persons to share non-trading related services, subject to the approval of NYSE Regulation. To obtain approval to share non-trading related services, the specialist unit would be required to: (i) Adopt written policies and procedures governing the sharing of non-trading related services; (ii) establish a process for regular review of such written policies and procedures; and (iii) implement controls and surveillances reasonably designed to prevent and detect violations of those policies and procedures. At a minimum, the specialist unit's policies and procedures would have to be reasonably designed to provide that the specialist unit and the member organization or approved person must maintain the confidentiality of specialist confidential information and non-public order information. Under no circumstances may non-public order information or specialist confidential information be made available to a member's organizations investment banking, research, or customer-facing departments.⁴¹

The Commission finds that NYSE's proposal to allow a specialist unit to share certain non-trading related services with its member organization or approved person is consistent with the

Act because such sharing would be conducted pursuant to policies and procedures designed to protect specialist confidential information and non-public order information. Moreover, such policies and procedures would be reviewed by NYSE Regulation prior to a member organization being approved to share non-trading related services and NYSE Regulation and FINRA would examine on an ongoing basis whether the specialist unit's policies and procedures and controls comply with the requirements of the rule.⁴²

D. Risk Management

1. Changes to NYSE Rule 105

NYSE Rule 105 currently limits the ability of specialists, specialist organizations and approved persons (and any officer or employee thereof) to conduct risk management trading in options and single stock futures on stock in which the specialist is registered. The Guidelines for Specialists' Specialty Stock Option and Single Stock Futures Transactions Pursuant to Rule 105 ("Rule 105 Guidelines") currently sets forth the permissible options positions that a specialist may establish and maintain for the purpose of hedging risks associated with holding specialty stocks. The proposed amendments to NYSE Rule 105 would limit the applicability of the rule to the specialist unit itself (and any officer or employee thereof); approved persons would no longer be subject to NYSE Rule 105.⁴³

Paragraph (m)(i) of the Rule 105 Guidelines currently prohibits specialists, their member organization and their approved persons (or officer or employee thereof) from acting in any market-making capacity in an option or security future overlying a security in which the specialist is registered. An approved person may seek an exception from these restrictions under NYSE Rule 98 and paragraphs (m)(ii) and (iii) of the Rule 105 Guidelines exempt such approved person to engage in such market making activities. Such approved person, however, may not also act as a market maker in any equity security in which the associated specialist is registered and which underlies an option or security future in

³⁴ See Section III(D) *infra*.

³⁵ See proposed NYSE Rule 98(d)(2)(B)(iv).

³⁶ See NYSE Rule 98(d)(2)(C).

³⁷ The order tracking provisions in NYSE Rule 132B currently do not apply to members effecting on the Floor proprietary transactions when they are acting in the capacity of a specialist, a Registered Competitive Market Maker, or a Competitive Trader. The proposed amendments in NYSE Rule 132B would apply the order tracking provisions in the rule to those persons.

³⁸ See proposed NYSE Rule 98(d)(4).

³⁹ See proposed NYSE Rule 98(d)(3).

⁴⁰ See Notice, *supra* note 3, at 73 FR at 38280.

⁴¹ See NYSE Rule 98(e)(2).

⁴² See Notice, *supra* note 3, at 73 FR 38281.

⁴³ NYSE Rule 105(a), which prohibits specialists, their member organization and their approved persons (or officer or employee thereof) from being directly or indirectly interested in a pool dealing or trading in a stock in which such member is registered as a specialist, would continue to apply to approved persons.

which the approved person is acting as market maker.⁴⁴

Consistent with the proposal to amend NYSE Rule 105 so that approved persons are no longer subject to the Rule, the proposed rule change would eliminate the reference to “approved persons” in paragraph (m)(i) of the Rule 105 Guidelines. Thus, an approved person and an integrated proprietary aggregation unit would not be prohibited by NYSE Rules from engaging in options or security futures market-making activities. In addition, the proposed rule change would delete paragraphs (m)(ii) and (m)(iii), which apply only to approved persons, from the Rule 105 Guidelines.

The Commission believes that these proposed changes to NYSE Rule 105 and the Rule 105 Guidelines are consistent with the Act. Under proposed NYSE Rule 98, the specialist unit would be walled-off from approved persons pursuant to a member organization’s policies and procedures reviewed by NYSE Regulation that must be reasonably designed to protect against the improper disclosure and sharing of specialist confidential information and non-public order information. The Commission believes that these barriers between the specialist unit and other business activities of a member organization, including market making in securities in which a specialist is registered and related securities, will limit the potential for unfair use of non-public order information, manipulation and other improper trading practices, and conflicts of interest.

2. Proposed Risk Management Models

Proposed NYSE Rule 98(f) would broaden the ability of specialist units to trade in related products and expand the universe of who may be involved in managing the risk of the specialist unit. In this regard, the NYSE proposes three models for a specialist unit to set up its risk management operation. Specifically, under the first model, risk management may be conducted within the specialist unit itself.⁴⁵ Under the second model, risk management may be conducted within an integrated proprietary aggregation unit.⁴⁶ Under the third model, risk management may be conducted within another affiliate of the specialist unit.⁴⁷ Regardless of the risk management model, the specialist unit would be responsible for its

quoting or trading decisions at the Exchange.⁴⁸

a. Specialist Unit Risk Management

NYSE Rule 105 limits a specialist unit’s trading in options and single stock futures on stock in which the specialist is registered. Proposed NYSE Rule 98(f)(1) would allow a specialist unit to seek an exemption from NYSE Rule 105 for the purpose of conducting risk management trading. A specialist unit and its officers and employees would continue to be prohibited from engaging in any capacity as a market maker in options or security futures overlying securities in which the specialist is registered. To obtain an exemption from the NYSE Rule 105 restrictions, the specialist unit would have to: (i) Adopt and implement comprehensive written procedures and guidelines governing the conduct of trading in related products; (ii) establish a process for regular review of such written procedures and guidelines; and (iii) implement controls and surveillances reasonably designed to prevent and detect violations of these procedures and guidelines. These policies and procedures would have to be reasonably designed to ensure that the individuals or systems responsible for trading related products do not have access to non-public order information or except as described below,⁴⁹ specialist confidential information.⁵⁰ Individuals who work on the Exchange Floor would not be permitted to trade or direct trading in related products,⁵¹ nor would the specialist API be permitted to make any trading decisions in related products.⁵² Accordingly, any trading in related products by the specialist unit

would have to be conducted by an off-Floor, *i.e.*, “upstairs” office, by individuals who are qualified and registered to trade in the marketplaces where such trading occurs.⁵³

The NYSE proposes to allow individuals or systems responsible for trading related products to have limited access to specialist confidential information. Specifically, individuals or systems, including computer algorithms, responsible for making trading decisions in related products may have electronic access to the specialist unit’s trades at the Exchange in securities allocated to the specialist unit, provided that such trades have been printed to the Consolidated Tape.⁵⁴

In addition, a senior manager of the specialist unit would be permitted to provide risk management oversight of both Floor specialist operations and any specialist unit upstairs trading in related products.⁵⁵ Such oversight, however, would have to be done pursuant to policies and procedures reasonably designed to prevent the specialist unit senior managers who have access to non-public order information or specialist confidential information from making such information available to the individuals or systems on the upstairs trading desk responsible for trading related products within the specialist unit or using such information to directly or indirectly influence trading in related products by that upstairs desk.⁵⁶ The proposed rule also would bar specialists from directly entering or executing trades in related products while on the Floor of the Exchange.⁵⁷

The Commission believes that the proposal to permit a specialist unit to conduct risk management within the specialist unit itself is consistent with the Act. The Commission notes that the proposed rule would require a specialist unit’s policies and procedures to be reasonably designed to ensure that the individuals or systems responsible for trading related products do not have access to non-public order information or, except under limited conditions, specialist confidential information.

The Commission believes that those limited circumstances in which specialist confidential information may

⁴⁸ See Notice, *supra* note 3, at 73 FR at 38281; see also proposed NYSE Rules 98(f)(2)(A)(i) and 98(f)(3)(C)(iv).

⁴⁹ See *infra* notes 55–56 and accompanying text.

⁵⁰ The proposed rule change would permit a specialist unit to transfer a specialist back and forth from the Floor of the Exchange to a specialist unit desk upstairs that trades in related products, so long as that specialist is registered and qualified to trade in related products and non-public order information is not used when trading in related products. In such case, however, a specialist unit must have policies and procedures reasonably designed to ensure that a specialist who moves off the Floor of the Exchange does not make available or use any non-public information or, unless otherwise specified, specialist confidential information, to which the specialist may have had access while on the Floor of the Exchange. See proposed NYSE Rule 98(f)(1)(A)(iii).

⁵¹ See proposed NYSE Rule 98(f)(1)(A)(ii); Notice, *supra* note 3, at 73 FR at 38281.

⁵² See proposed NYSE Rule 98(f)(1)(A)(iv). Under the proposal, a specialist unit that has not been approved for an exemption from NYSE Rule 105 would still be permitted to enter orders in options or single-stock futures from the Floor, subject to the requirements of NYSE Rule 105; see also Notice, *supra* note 3, at 73 FR at 38281.

⁵³ The Exchange notes that the member organization with the specialist unit would have to be a member of FINRA or another self-regulatory organization, as required by each marketplace where the specialist unit proposes to trade. See Notice, *supra* note 3, at 73 FR at 38281.

⁵⁴ See proposed NYSE Rule 98(f)(1)(A)(v).

⁵⁵ See proposed NYSE Rule 98(f)(1)(A)(vi).

⁵⁶ *Id.*

⁵⁷ See proposed NYSE Rule 98(f)(1)(ii).

⁴⁴ Paragraph (m)(ii) of the Rule 105 Guidelines.

⁴⁵ See proposed NYSE Rule 98(f)(1).

⁴⁶ See proposed NYSE Rule 98(f)(2).

⁴⁷ See proposed NYSE Rule 98(f)(3).

be used to manage a specialist unit's risks would not be a misuse of information. The Commission does not believe that information about trades that have been printed to the Consolidated Tape would provide the member organization with an unfair advantage because such trades would be publicly available.⁵⁸

b. Integrated Proprietary Aggregation Unit Risk Management

Proposed NYSE Rule 98(f)(2) would permit an integrated proprietary aggregation unit to conduct risk management trading related to the specialist unit's trading.⁵⁹ NYSE Regulation would need to approve the integrated proprietary aggregation unit to conduct such risk management trading.

Proposed NYSE Rule 98(f)(2) incorporates the requirements described above for conducting risk management trading within the specialist unit itself, except for the requirement in proposed NYSE Rule 98(f)(1)(A)(vi) relating to senior managers of the specialist unit.⁶⁰ The requirement in proposed NYSE Rule 98(f)(1)(A)(vi) is not applicable where risk management is being conducted by an integrated proprietary aggregation unit, because senior managers of the specialist unit would not be providing risk management oversight. In addition, an integrated proprietary aggregation unit would be required to: (i) Adopt and implement comprehensive written procedures and guidelines governing the conduct of risk management of the specialist unit; (ii) establish a process for regular review of such written procedures and guidelines; and (iii) implement controls and surveillances reasonably designed to prevent and detect violations of these procedures and guidelines.

Rule 98(f)(2)(A)(i) would permit the "upstairs" risk management desk to electronically direct the specialist unit's trading or quoting, subject to the

specialist unit's market making obligations. To provide the recommendations to the specialist unit, the "upstairs" risk management desk would be permitted to have real-time access both to the integrated proprietary aggregation unit's positions in related products and other securities and to the specialist unit's positions in securities allocated to it, provided that such specialist unit's positions comprise only trades that have been printed to the Consolidated Tape.⁶¹

The Commission finds that the proposal to permit a specialist unit's risk management operations to be performed by an integrated proprietary aggregation unit of which it is part is consistent with the Act. The Commission believes that the policies and procedures an integrated proprietary aggregation unit would be required to establish and that NYSE Regulation would need to review would protect specialist confidential information and non-public order information.

The Commission also believes that the proposed NYSE Rule 98 would continue to mitigate conflicts of interest between the specialist's responsibilities to the market and the business activities of specialist affiliates. In this regard, the proposed rule would require the specialist unit to determine whether any recommendations provided to it by an "upstairs" risk management desk are consistent with its market making obligations, including Exchange specialist rules. Thus, the Commission expects that the specialist unit would accept or reject such recommendations in a manner that is consistent with its market making obligations.

c. Approved Person or Member Organization Risk Management

Finally, under proposed NYSE Rule 98(f)(3) an approved person or a member organization that runs a specialist unit could seek approval of NYSE Regulation to conduct risk management trading related to the specialist unit's trading.⁶² This alternative would provide broker-dealers the flexibility to keep the specialist unit as a separate member organization or aggregation unit, yet have an approved person or separate

aggregation unit provide risk management services for the specialist unit. Under this option, the approved person or member organization would provide the same type of risk management as an integrated proprietary aggregation unit that includes that the specialist unit under proposed NYSE Rule 98(f)(2). Thus, as required for an integrated proprietary aggregation unit under proposed NYSE Rule 98(f)(2) described above, proposed NYSE Rule 98(f)(3) would require an approved person or member organization conducting such risk management to: (i) Adopt and implement comprehensive written procedures and guidelines governing the conduct of risk management of the specialist unit; (ii) establish a process for regular review of such written procedures and guidelines; and (iii) implement controls and surveillances reasonably designed to prevent and detect violations of these procedures and guidelines.⁶³ These policies and procedures must be reasonably designed to satisfy the requirements in the rule, including that individuals and systems responsible for managing the risk of the specialist unit could not have access to non-public order information, or with certain exceptions, specialist confidential information.⁶⁴ These exceptions are limited to allowing individuals and systems responsible for managing the risk of the specialist unit to have electronic access to the specialist unit's trades once they are printed to the Consolidated Tape.⁶⁵ In addition, an approved person or member organization could electronically direct the specialist unit's trading or quoting, subject to the specialist unit's market making obligations.

The Commission finds that the proposed rule change to permit an approved person or a member organization associated with a specialist unit to conduct its risk management trading related to the specialist unit's trading is consistent with the Act. The Commission believes that the policies and procedures an approved person or member organization would be required to establish and that NYSE Regulation would need to revise would protect specialist confidential information and non-public order information.

The Commission also believes that proposed NYSE Rule 98 would continue to mitigate conflicts of interest between the specialist's responsibilities to the market and the business activities of

⁵⁸ Once trades are disseminated publicly, the individuals or systems, including computer algorithms, responsible for trading in related products may have access to the specialist unit's aggregate net long or short position that includes the printed trades.

⁵⁹ An integrated proprietary aggregation unit conducting risk management trading outside of its specialist unit pursuant to proposed NYSE Rule 98(f)(2) would not require an exemption from the requirements of NYSE Rule 105(b)-(d) and the Rule 105 Guidelines because, under the proposed changes to NYSE Rule 105, the prohibitions on risk management trading would apply only to the specialist unit itself and not to approved persons. See *supra* Section III(D)(1).

⁶⁰ See proposed NYSE Rule 98(f)(2)(A). An integrated proprietary aggregation unit would have to meet the requirements of proposed NYSE Rule 98(f)(1)(A)(i)-(v), see *supra* notes 49-54 and accompanying text.

⁶¹ See Notice, *supra* note 3, at 73 FR at 38282; see also proposed Rule 98(f)(2)(A)(i).

⁶² An affiliate of a specialist unit conducting risk management trading pursuant to proposed NYSE Rule 98(f)(3) would not require an exemption from the requirements of NYSE Rule 105(b)-(d) and the Rule 105 Guidelines because, under the proposed changes to NYSE Rule 105, the prohibitions on risk management trading would apply only to the specialist unit itself and not to approved persons. See *supra* Section III(D)(1).

⁶³ See proposed Rule 98(f)(3)(C).

⁶⁴ See proposed Rule 98(f)(3)(C)(ii).

⁶⁵ See *supra* note 54 and accompanying text.

specialist affiliates. In this regard, the proposed rule would require the specialist unit to determine whether any recommendations provided to it by an “upstairs” risk management desk are consistent with its market making obligations, including Exchange specialist rules. Thus, the Commission expects that the specialist unit would accept or reject such recommendations in a manner that is consistent with its market making obligations.

E. Failure To Maintain Confidentiality, Reporting Obligations, and Breaches

Proposed NYSE Rule 98(g) would provide that, if a specialist becomes aware of non-public material information from its approved person or parent member organization, the specialist may have to cease acting as a specialist temporarily in the security involved. Proposed NYSE Rule 98(i) would provide that any breach of the proposed NYSE Rule 98 could result in disciplinary action, including the withdrawal of one or more securities allocated to the specialist unit or withdrawal of approval to operate a specialist unit. Both rules are substantially similar to provisions in current NYSE Rule 98⁶⁶ and the Commission believes they are consistent with the Act.

Paragraphs (1) and (2) of proposed NYSE Rule 98(h) are substantially similar to the current reporting obligations in current NYSE Rule 98.⁶⁷ Proposed NYSE Rule 98(h)(1) would require “after the fact” reporting of information regarding material investment banking activities in which the member organization or approved person has been engaged and material research reports, recommendations, etc. pertaining to any security that has been allocated to the specialist unit. Proposed NYSE Rule 98(h)(2) would require “after the fact” reporting of information about determinations regarding whether the specialist should cease acting as specialist in the event the specialist unit receives non-public information. Paragraphs (3) and (4) of proposed NYSE Rule 98(h) would add a new requirement for specialist units to report any actual breaches, or internal investigations of possible breaches, of the information barriers required by the rule. In particular, a specialist unit would be required to conduct an internal investigation into any trading activity that may be a result of a breach of information barriers required by proposed NYSE Rule 98. In addition, on

a quarterly basis, a specialist unit would have to report in writing to NYSE Regulation whether it has commenced such an internal investigation, the quarterly progress of any open investigations, what remedial measures, if any, were taken, and the completion of any internal investigation, including the methodology and results of such investigation, any internal disciplinary action taken, and any referral of the matter to the NYSE, another self-regulatory organization, or the Commission.⁶⁸

The Commission finds that proposed NYSE Rule 98(h) is consistent with the Act and would provide NYSE Regulation with an additional tool to monitor compliance with NYSE Rule 98. The Commission notes that NYSE designed the reporting obligation for internal investigations in the proposed rule to be effectively similar to the reporting obligation in other NYSE rules.⁶⁹

F. Existing Specialists

1. NYSE Rule 98 (Former)

Because a current specialist may decide to keep its current operational structure or delay implementation of a new operational structure, the NYSE proposes to retain current NYSE Rule 98 but limit its applicability to specialist organizations and their associated approved persons operating as of the date of this Order. Specifically, current NYSE Rule 98 would be re-designated as “Rule 98 (Former)” in the NYSE Rules until all specialist units are approved for operation pursuant to the proposed rule.⁷⁰ Except for the sharing of non-trading related services, as discussed below, such member organization and its approved persons would continue to be subject to NYSE Rule 98 (Former) as well as the “(Former)” versions of NYSE Rules that reference exemptions from Rule 98 (Former) for approved persons. Any new specialist units would be required to comply with proposed NYSE Rule 98. Any significant changes to the status quo after the effective date of the proposed rule would require the member organization to apply for approval pursuant to the procedures of proposed NYSE Rule 98.⁷¹

The Commission finds that the NYSE’s proposal to continue to permit current specialist units to operate under current NYSE Rule 98, redesignated as NYSE Rule 98 (Former), is consistent with the Act. Allowing specialist units

to continue to operate under current NYSE Rule 98 would provide specialist units time to develop or modify their policies and procedures and avoid any unnecessary disruption in their businesses.

2. Sharing of Non-Trading Related Services

The proposed rule change would provide that a member organization operating pursuant to NYSE Rule 98 (Former) could apply for approval from NYSE Regulation to share non-trading related services.⁷² Any such sharing of non-trading related services would be pursuant to proposed NYSE Rule 98(e).⁷³

The Commission finds that the NYSE proposal to permit specialist units operating under NYSE Rule 98 (Former) to seek approval under proposed NYSE Rule 98 to share non-trading related services is consistent with the Act. Specialist units operating under NYSE Rule 98 (Former) and their approved persons would be required to maintain informational barriers prescribed by the current NYSE Rule 98 Guidelines. The Commission believes that those Guidelines, combined with the requirements under proposed NYSE Rule 98(e) regarding the sharing of non-trading related services would protect against the misuse of non-public information.

G. Additional Rule Changes

As described above, under the proposed rule, instead of reviewing whether to grant each approved person an exemption from NYSE Rule 98, NYSE Regulation would review the specialist unit’s policies, procedures, controls, and surveillance. For this reason, the NYSE proposes to amend the NYSE rules that refer to approved persons and to the need for an exemption from NYSE Rule 98.

1. Proposed Amendments to NYSE Rule 98A

NYSE Rule 98A currently requires approved persons to agree in writing not to cause a specialist or odd-lot dealer to violate rules applicable to the specialist or odd-lot dealer. The rule further requires that approved persons report to the Exchange any off-Floor orders for securities in which an associated specialist member organization specializes for any account in which the approved person has a direct or indirect interest.

⁶⁶ See current NYSE Rule 98, Guidelines (i) and (k).

⁶⁷ See current NYSE Rule 98, Guidelines (j).

⁶⁸ See proposed NYSE Rule 98(h)(4).

⁶⁹ See NYSE Rules 351(e) and 342.21.

⁷⁰ See proposed NYSE Rule 98 (Former).

⁷¹ See Notice, *supra* note 3, at 73 FR at 38276.

⁷² See NYSE Rule 98 (Former), Guidelines(c).

⁷³ See *supra* notes 41–42 and accompanying text for a discussion of these rules.

Under the proposed amendments to NYSE Rule 98A, approved persons would no longer be required to agree in writing not to cause a specialist or odd-lot dealer to violate rules applicable to the specialist or odd-lot dealer. Approved persons also would no longer be required to report any off-Floor orders for securities in which an associated specialist member organization specializes for any account in which the approved person has a direct or indirect interest to the Exchange. The Commission believes that the elimination of these requirements is consistent with the Act because, under proposed NYSE Rule 98, the specialist unit would be walled-off from approved persons.

2. Proposed Amendments to NYSE Rules 99, 102, 103B, 104, and 113

NYSE Rules 99, 103B, 104, and 113 currently specifically apply to approved persons, unless such approved person has obtained an exemption under Rule 98. Under the proposed rule change, current NYSE Rules 99, 103B, 104, and 113 would be amended to remove references to approved persons.⁷⁴ The Commission believes that the elimination of the references to approved persons in these rules is consistent with the Act because, under proposed NYSE Rule 98, the specialist unit would be walled-off from approved persons.

NYSE Rule 102 currently governs trading in related products by an odd-lot dealer. The Commission believes that the deletion of current NYSE Rule 102 is consistent with the Act. The Commission notes that the Exchange no longer has separate odd-lot dealers and all specialists are also responsible for odd-lot trading in securities in which they are registered. The Commission also notes that specialists would be subject to the standards set forth in proposed Rules NYSE 98 and 105.

3. Proposed Amendments to NYSE Rule 460

Current NYSE Rule 460.10 prohibits a specialist, its member organization or approved person (or officer or employee thereof) from, individually or in the aggregate, owning more than 10% of the outstanding shares of any equity security in which the specialist is

registered.⁷⁵ Current NYSE Rule 460.10 also requires such person to report to the NYSE when it, directly or indirectly, acquires more than 5% of the outstanding shares of such equity security and promptly dispose or reduce such interest if advised to do so by the Exchange. A specialist, its member organization or approved person (or officer or employee thereof) may exceed the 10% ownership threshold for derivative securities whose values are based on an underlying currency or index only with the approval of the NYSE; however, in no event may such person directly or indirectly own more than 25% of such derivative securities.

The proposed amendments to NYSE Rule 460 would make changes so that it would apply only to the specialist member and his specialist unit and not to his member organization or approved persons. In addition, the proposed amendments would replace the 10% ownership limitation set forth in NYSE Rule 460.10 with a requirement that the specialist unit report to the Exchange the beneficial ownership of more than 5% of an equity security that is allocated to it. The specialist unit would be required to update such reports if its beneficial ownership exceeds 10% or falls below 5%. In addition, the specialist unit would be prohibited from acquiring, directly or indirectly, more than 25% of the outstanding shares in any security allocated to the specialist unit.⁷⁶ The proposed amendments to NYSE Rule 460 would apply to specialist units operating under proposed NYSE Rule 98, as well as to specialist member organizations that continue to operate under NYSE Rule 98 (Former).

The Commission believes that the proposed changes to NYSE Rule 460.10 are consistent with the Act. Consistent with the NYSE's proposed changes to Rule 98, the changes to Rule 460 would apply the restrictions in the rule only to the specialist. The Commission believes that, because of the policies and procedures a specialist unit or any integrated proprietary aggregation unit in which it is a part would be required to implement, these changes to Rule 460 are consistent with the Act. Further, the Commission believes that, because of the increased competition among markets in NYSE listed securities, the elimination of the restrictions in Rule 460.10 are consistent with the Act.

⁷⁴ For the period of time that the current NYSE Rule 98 stays in the NYSE Rules as "NYSE Rule 98 (Former)," each of NYSE Rules 99, 103B, 104, and 113 will have two forms: One to meet the requirements of NYSE Rule 98 (Former) and one to meet the requirements of proposed NYSE Rule 98. The version of the rules that relate to NYSE Rule 98 (Former) will be similarly designated with the "(Former)" title either for the entire rule, or for a section of a rule, as appropriate.

⁷⁵ The prohibitions in current NYSE Rule 460.10 do not apply if the security is a convertible security, American Depositary Receipt, Global Depositary Receipt or exchange-traded funds tied to the equity securities, current or index warrants.

⁷⁶ See Amendment No. 1, *supra* note 4.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR-NYSE-2008-45), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷⁷

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-18964 Filed 8-15-08; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58340; File No. SR-Phlx-2007-33]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to Margining

August 11, 2008.

On April 5, 2007, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act"),¹ and Rule 19b-4² thereunder, a proposed rule change to amend its margin rules. On July 31, 2007, Phlx filed Amendment No. 1 to the proposed rule change. On May 19, 2008, Phlx filed Amendment No. 2 to the proposed rule change.³ The proposal was published in the **Federal Register** on July 7, 2008.⁴ The Commission received no comments on the proposal. This order approves the proposed rule change, as modified by Amendment Nos. 1 and 2.

The Exchange proposed to streamline and make more efficient its margin rules and procedures by: (1) Adding a new section to Rule 721 (Proper and Adequate Margin) requiring each member to indicate in writing to the Exchange that such member shall be bound by the initial and maintenance margin requirements of either the Chicago Board Options Exchange ("CBOE") or New York Stock Exchange ("NYSE"); and (2) eliminating Rules 724 (Guaranteed Accounts) and 725 (Daily

⁷⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Amendment No. 2 replaced and superseded the original filing and Amendment No. 1 in their entirety.

⁴ Exchange Act Release No. 58045 (June 26, 2008), 73 FR 38487.

Record of Required Margin). The Exchange also proposes to significantly shorten Rules 723 (Day Trading and Prohibition on Free-Riding in Cash Accounts) and 722 (Margin Accounts) to eliminate redundant language while retaining those margin requirements that are unique to current Exchange margin rules. At the same time, the Exchange proposes to retain those margin provisions that are unique to current Exchange margin rules, particularly those pertaining to foreign currency options, which only trade on Phlx.

After careful review of the proposal, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁵ In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,⁶ which requires, among other things that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that this proposed rule change will streamline the Exchange's margin rules commensurate with industry practice. The Commission notes that the proposed rule change will require Phlx member organizations to elect, via written notice to the Exchange, to use and follow the margin rules of either CBOE or NYSE as they are in effect from time to time. The Commission also notes that this proposal to incorporate CBOE or NYSE margin rules is similar to the approach used by the International Securities Exchange and the Boston Options Exchange requiring their members to elect and follow CBOE or NYSE margin rules and incorporating such rules by reference into their own rules.⁷

⁵ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b)(5).

⁷ See Exchange Act Release Nos. 48355 (August 22, 2003), 68 FR 50813 (August 22, 2003) (SR-BSE-2002-15); and 49260 (February 14, 2004), 69 FR 8500 (February 24, 2004) (approval, among other things, of ISE rule incorporating CBOE and NYSE margin rules). The Exchange has, under separate cover, submitted a letter seeking an exemption under Section 36 of the Act from the rule filing procedures of Section 19(b) of the Act with respect to changes to the incorporated CBOE and NYSE margin rules going forward.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁸ that the proposed rule change (SR-Phlx-2007-33), as modified by Amendment Nos. 1 and 2, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-19029 Filed 8-18-08; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of Air Greco, Inc. D/B/A Wings Air for Commuter Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2008-8-9), Docket DOT-OST-2008-0154.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Air Greco, Inc. d/b/a Wings Air fit, willing, and able, and awarding it Commuter Air Carrier Authorization.

DATES: Persons wishing to file objections should do so no later than August 21, 2008.

ADDRESSES: Objections and answers to objections should be filed in Docket DOT-OST-2008-0154 and addressed to U.S. Department of Transportation, Docket Operations, (M-30, Room W12-140), 1200 New Jersey Avenue, SE., West Building Ground Floor, Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Rick Pittaway, Air Carrier Fitness Division (X-56, Room W86-467), U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-9721.

Dated: August 12, 2008.

Michael W. Reynolds,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. E8-19055 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-9X-P

⁸ 15 U.S.C. 78s(b)(2).

⁹ 17 CFR 200.30-3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-99-6480; FMCSA-99-5578; FMCSA-99-5748; FMCSA-01-11426; FMCSA-02-12294; FMCSA-04-17195; FMCSA-05-22194; FMCSA-06-24783]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 16 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective September 9, 2008. Comments must be received on or before September 17, 2008.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-99-6480; FMCSA-99-5578; FMCSA-99-5748; FMCSA-01-11426; FMCSA-02-12294; FMCSA-04-17195; FMCSA-05-22194; FMCSA-06-24783, using any of the following methods.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line 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., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Fax: 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketInfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 16 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 16 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Frank R. Berritto
Roosevelt Bryant, Jr.
Daniel K. Davis, III

Timothy J. Droeger
Oskia D. Johnson
David C. Leoffler
Richard W. O'Neill
Larry A. Prieue
David M. Smith
Kenneth C. Steele
Mark J. Stewing
Patrick D. Talley
Paul D. Totty
Loren R. Walker
Kris Wells
Timothy J. Wilson

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 16 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 68195; 65 FR 20251; 67 FR 38311; 69 FR 51346; 71 FR 50970; 64 FR 27027; 64 FR 51568; 66 FR 63289; 68 FR 64944; 70 FR 67776; 64 FR 40404; 64 FR 66962; 67 FR 17102; 67 FR 10471; 67 FR 19798; 69 FR 19611; 71 FR 19604; 67 FR 46016; 67 FR 57267; 69 FR 17263; 69 FR 31447; 71 FR 27033; 70 FR 57353; 70 FR 72689; 71 FR 32183; 71 FR 41310). Each of these 16 applicants has requested renewal of the exemption and

has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by September 17, 2008.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 16 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA.

The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will

take immediate steps to revoke the exemption of a driver.

Issued on: August 12, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-19076 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0174]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 19 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective August 18, 2008. The exemptions expire on August 18, 2010.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want

acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://Docketsinfo.dot.gov>.

Background

On July 7, 2008, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (73 FR 38497). That notice listed 19 applicants' case histories. The 19 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 19 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on August 6, 2008.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation

and demonstrated their ability to drive safely.

The 19 exemption applicants listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, prosthesis, glaucoma, optic nerve damage, macular scar, estropia, macular hole, and loss of vision due to trauma. In most cases, their eye conditions were not recently developed. All but five of the applicants were either born with their vision impairments or have had them since childhood. The five individuals who sustained their vision conditions as adults have had them for periods ranging from 4 to 23 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 19 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 48 years. In the past 3 years, four of the drivers had convictions for traffic violations and one of them was involved in a crash.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 7, 2008 notice (73 FR 38497).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by

permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA-98-3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes. (See Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal

of American Statistical Association, June 1971) A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 19 applicants, three of the applicants had a traffic violation for speeding, one of the applicants had a traffic violation for failure to obey a traffic device, and one of the applicants was involved in a crash. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 19 applicants listed in the notice of July 7, 2008 (73 FR 38497).

We recognize that the vision of an applicant may change and affect his/her

ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 19 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below. An anonymous individual stated that he or she feels that monocular drivers are being discriminated against by the DOT regulation, and that monocular drivers are safe.

FMCSA's exemption process supports drivers with monocular vision who seek to operate in interstate commerce. In addition, the Federal Motor Carrier Safety Regulations (FMCSRs) are not contrary to the Americans with Disabilities Act (ADA) of 1990. The mandates of the ADA do not require that FMCSA alter the driver qualification requirements contained in 49 CFR Part 391. The Senate report on the ADA, submitted by its Committee on Labor and Human Resources, included the following explanation:

With respect to covered entities subject to rules promulgated by the Department of Transportation regarding physical qualifications for drivers of certain classifications of motor vehicles, it is the Committee's intent that a person with a disability applying for or currently holding a job subject to these standards must be able to satisfy these physical qualification standards in order to be considered a qualified individual with a disability under Title I of this legislation. S. Rep. 101-116, at 27 (1989).

Until the Agency issues a Final Rule, however, drivers with monocular vision must continue to apply for exemptions from FMCSA, and request renewals of such exemptions. FMCSA will grant exemptions only to those applicants who meet the specific conditions and comply with all the requirements of the exemption.

Conclusion

Based upon its evaluation of the 19 exemption applications, FMCSA exempts, Gary R. Andersen, Mitchell L. Carman, Ivory Davis, William S. Edginton, Lucious J. Erwin, James M. Fairman, Kelly L. Foster, Donald G. Fuechslin, Donald W. Garner, Gary J. Hambrick, Franklin D. Jones, Raymond J. Lee, James T. Leek, Richard A. Peterson, Philip NMI. Polcastro, Chad M. Quarles, Daniel S. Rebstad, Charles R. Sylvester, and James L. Williams from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 12, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-19081 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0106]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 67 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable

these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective August 18, 2008. The exemptions expire on August 18, 2010.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://Docketsinfo.dot.gov>.

Background

On June 20, 2008, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (73 FR 35194). That notice listed 68 applicants' case histories. The 68 individuals applied for exemptions from the vision requirement in 49 CFR

391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 68 applications on their merits and made a determination to grant exemptions to 67 of them. The comment period closed on July 21, 2008.

The Agency received a public comment challenging the validity of Mr. James W. Lappan's and Mr. Charles S. Huffman's reported CMV driving experience and other information submitted in their application. At this time, FMCSA has concluded investigations regarding Mr. Charles S. Huffman and has determined that he meets FMCSA's criteria for a Federal vision exemption. However, FMCSA is unable to render a final decision related to granting Mr. James W. Lappan an exemption until our investigation is concluded.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 68 exemption applicants listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, prosthesis, posterior staphyloma, lateral nystagmus, optic nerve atrophy, leukoma, macular scar, extropia, macular hole, central serous retinopathy, corneal scarring, retinal damage, and loss of vision due to trauma. In most cases, their eye

conditions were not recently developed. All but fifteen of the applicants were either born with their vision impairments or have had them since childhood. The fifteen individuals who sustained their vision conditions as adults have had them for periods ranging from 5 to 58 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 68 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 48 years. In the past 3 years, eleven of the drivers had convictions for traffic violations and nine of them were involved in crashes.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the June 20, 2008 notice (73 FR 15567).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify

for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA-98-3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes. (See Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971) A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the

experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 68 applicants, eight of the applicants had a traffic violation for speeding, one of the applicants had a traffic violation for failure to obey a traffic device, one of the applicants had a traffic violation for following another vehicle too closely, another applicant had had a traffic violation for impeding traffic, and nine of the applicants were involved in crashes. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to 67 of the 68 applicants listed in the notice of June 20, 2008 (73 FR 35194).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 67 individuals consistent with the

grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received four comments in this proceeding. The comments were considered and discussed below. Two of the comments were recommendations in favor of granting the Federal vision exemption to Gerald Culverwell, John Brumberg, Armando D'Angeli, Scott Hillman, John Stone, and Robert Szeman.

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSRs, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

The Kansas division of transportation challenged the validity of James W. Lappan's reported CMV driving

experience. The Agency is currently investigating the commenter's claims and will wait to render a final decision in this case until the investigation is complete.

Conclusion

Based upon its evaluation of the 68 exemption applications, FMCSA exempts, Ronald G. Adams, Catarino Aispuro, Edwin A. Betz, James F. Brumberg, Donald L. Carman, John W. Carter, Jr., Christopher R. Cone, Walter O. Connelly, Stephen B. Copeland, Gerald L. Culverwell, Armando P. D'Angeli, Stephen R. Daugherty, Donald R. Davis, Louis A. Dipasqua, Jr., Henry L. Donivan, Randy J. Doran, Robert E. Dukes, Roger D. Elders, Robert E. Engel, James F. Epperson, James H. Facemyre, Gregory L. Farrar, Richie Ford, Kevin K. Friedel, Eric M. Giddens, Sr., Paul W. Goebel, Jr., Edward J. Grant, Jeffery M. Hall, Ronnie L. Hanback, Steven G. Harter, Michael C. Hensley, George G. Hernandez, Jr., Scott A. Hillman, Charles S. Huffman, Lance G. James, Jesse P. Jamison, James A. Jones, Ronnie M. Jones, Andrew C. Kelly, Jason W. King, Leslie A. Landschoot, Billy J. Lewis, Larry McCoy, Tommy L. McKnight, Robert W. McMillian, Danny W. Nuckles, David G. Olsen, Robert L. Person, Carroll G. Quisenberry, Ryan J. Reimann, Ronny L. Rogers, Paul L. Savage, Manuel G. Savin, Brandon J. See, Douglas A. Sharp, LeTroy D. Sims, Robert M. Stewart, John L. Stone, Robert J. Szeman, Donald J. Thompson, Nils S. Thornberg, Daniel W. Toppings, Kenneth E. Valentine, Lewis H. West, Jr., Christopher R. Whitson, Leon S. Willis, and George L. Young from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 12, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-19083 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-99-6156, FMCSA-99-6480, FMCSA-00-7006, FMCSA-01-10578, FMCSA-02-11714, FMCSA-02-13411, FMCSA-03-16241, FMCSA-03-16564, FMCSA-04-17195, FMCSA-05-21711, FMCSA-05-22194, FMCSA-05-23099, FMCSA-05-23238, FMCSA-06-23773, FMCSA-06-24015, FMCSA-06-24783]

Qualification of Drivers; Exemption Renewals; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 58 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety

that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment period ended on July 30, 2008.

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 58 renewal applications, FMCSA renews the Federal vision exemptions for Jawad K. Al-Shaibani, Harold J. Bartley, Jr., Kenneth J. Bernard, Allen G. Bors, Brad T. Braegger, Michael C. Branham, John E. Breslin, Trixie L. Brown, Raymond L. Brush, Marcus S. Burkholder, Scott F. Chalfant, Leroy A. Chambers, Harvis P. Cosby, Rodney D. Curtis, Norman J. Day, Michael D. DeBerry, Francisco Espinal, William L. Foote, Spencer N. Haugen, Victor B. Hawks, Edward J. Hess, Jr., William G. Hix, Ralph Holmes, Bruce A. Homan, Timothy B. Hummel, Fredrick C. Ingles, Larry L. Jarvis, Michael S. Johannsen, Charles Johnston, Harry L. Jones, Mearl C. Kennedy, Patrick E. Martin, Bennet G. Maruska, Leland K. McAlhaney, Bobby G. Minton, William C. Mohr, Sr., Charles J. Morman, Charles R. Murphy, Larry A. Nienhuis, Corey L. Paraf, Kenneth R. Piechnik, John J. Pribanic, Ronald M. Price, John P. Raftis, Bruce G. Robinson, Scott D. Russell, Alton M. Rutherford, Richard A. Schneider, Charles L. Schnell, Andrew W. Schollett, Joseph B. Shaw, Jr., Wolfgang V. Spekis, Sandra J. Sperling, Ryan K. Steelman, Robert L. Swartz, Jr., Charles V. Tracey, Duane L. Tysseling, and Leonard R. Wilson.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: August 12, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-19078 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-99-5578, FMCSA-99-6156, FMCSA-99-6480, FMCSA-00-7006, FMCSA-00-7165, FMCSA-04-17195, FMCSA-06-23773, FMCSA-06-24015]

Qualification of Drivers; Exemption Renewals; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 25 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202)-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment period ended on June 16, 2008.

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 25 renewal applications, FMCSA renews the Federal vision exemptions for James C. Askin, Paul J. Bannon, Ernie E. Black, Ronnie F. Bowman, Gary O. Brady, Richard J. Cummings, Stephen H. Goldcamp, Steven F. Grass, Wai F. King, Dennis E. Krone, Christopher P. Lefler, William F. Mack, Richard J. McKenzie, Jr., Christopher J. Meerten, Craig W. Miller, William J. Miller, Robert J. Mohorter, James A. Mohr, Roderick F. Peterson, Tommy L. Ray, Jr., Ricky L. Shepler, Donald W. Sidwell, Elmer K. Thomas, Raul R. Torres, and Richard G. Wendt.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: August 12, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-19086 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) § 211.41, and 49 U.S.C. 20103, this notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety regulations. The individual petition is described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being sought, and the petitioners' argument in favor of relief.

Association of American Railroads and The American Short Line and Regional Railroad Association

[FRA Docket No. FRA-2008-0092]

On August 6, 2008, the Association of American Railroads (AAR) and The American Short Line and Regional Railroad Association (ASLRRA) jointly

filed a waiver request seeking to delay the August 25, 2008 implementation date of amendments to Title 49, CFR, § 40.67, which was issued by the Department of Transportation (DOT) on June 25, 2008 (73 FR 35961). Part 40 is incorporated by reference in § 219.701 of Title 49, CFR, Part 219, *Control of Drug and Alcohol Use in Railroad Operations*. The amendments to § 40.67 apply to drug tests where a direct observation of the urine collection is required (e.g., the employee presented a cold specimen at the collection site; had an invalid test result without a legitimate medical reason; had a positive or adulterated test result which had to be cancelled because the required test of the employee's split specimen could not be performed; or had a prior positive or refusal to test and was subject to return-to-duty and follow-up testing).

As amended, § 40.67 will require an employee to raise his/her shirt and lower his/her pants and undergarments to show an observer that he or she does not have a prosthetic device which could be used to affect the validity of the test; the direct observer must be of the same gender as the employee because of privacy concerns. In their petition, the AAR and ASLRRRA state that the railroad industry is comprised mainly of male employees, while the majority of their current contract collectors are female, and that they need additional time to arrange for more male contract collectors and to complete training on the new direct observation procedures.

For the reasons stated above, the petitioners ask FRA to waive until November 1, 2008, § 219.701's incorporation by reference of Part 40 to the extent that it incorporates § 40.67's new requirements for directly observed collections. Although the specific relief requested is a waiver of Part 219's incorporation of the August 25, 2008 effective date of § 40.67 as applied to return-to-duty and follow-up tests, the petitioners elsewhere state that their purpose is to seek "a delay in the effective date until November 1, 2008, for amendments to 49 CFR 40.67 issued by the Department of Transportation on June 25, 2008." FRA therefore infers that petitioners are also seeking to defer the effective date of Part 219's incorporation of § 40.67 as applied to mandatory direct observations triggered by employee behavior at the collection site. The petitioner also requests that DOT and the FRA reassess whether the new direct observation requirements are necessary, by monitoring observed drug tests over the next two years.

The petitioners have sent a very similar petition to the Office of the Secretary of Transportation (OST). Both petitions focus on portions of the direct observation provisions of 49 CFR Part 40, an OST regulation applicable to all DOT agencies having drug testing programs, making parallel arguments concerning these provisions. FRA will fully coordinate its response to the petition sent to FRA with OST's response to the petitions sent to OST, and FRA's response will be consistent with that of OST with respect to the issues involved.

Comments should reference Docket No. FRA 2008-0092, and may 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, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.
- *Hand Delivery or Courier*: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax*: (202) 493-2251.

All documents in the public docket, including the AAR/ASLRRRA joint waiver request and all comments received, will be posted without change to <http://www.regulations.gov>, including any personal information provided. Because of the necessity for expedited processing of this petition, FRA does not anticipate scheduling a public hearing in connection with this request for a waiver of certain regulatory provisions. Communications received by Aug. 21, 2008 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

For access to the docket, go to <http://www.regulations.gov> anytime, or to the Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Follow the online instructions for accessing the dockets, where you may also review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC on August 12, 2008.

Michael J. Logue,

Deputy Associate Administrator for Safety Compliance and Program Implementation.
[FR Doc. E8-19037 Filed 8-15-08; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35151]

GNP Rly Inc.—Modified Rail Certificate—In Snohomish County, WA

On July 14, 2008, GNP Rly Inc. (GNP)¹ filed an application for a modified certificate of public convenience and necessity under 49 CFR Part 1150, Subpart C, *Modified Certificate of Public Convenience and Necessity* (modified certificate), to lease and operate a segment of a line of railroad in the City of Snohomish, Snohomish County (County), WA. The segment is owned by the County and extends from milepost 39.1 to milepost 39.3, a distance of approximately 0.2 miles. On August 7, 2008, Mayor Randy Hamlin, on behalf of the City of Snohomish (City), filed a letter in response to GNP's application.

The segment is part of a line of railroad authorized to be abandoned pursuant to a decision issued by the Board's predecessor agency, the Interstate Commerce Commission, in *Burlington Northern Railroad Company—Exemption—Abandonment in Snohomish County, WA*, Docket No. AB-6 (Sub-No. 280X) (ICC served Mar. 12, 1986).² GNP states that the County acquired the segment on October 20, 1992.³

The County leased the segment to GNP by agreement dated May 23, 2008. GNP states that it will lease the segment for an initial term beginning January 1, 2008, and ending December 31, 2039, with a 31-year renewal term. GNP states that the segment will be used for the reconstruction of 350 yards of sidings and service tracks for storage and maintenance of locomotives and cars and as a base of operations for trains, motive power, and rolling stock to be

¹ GNP was previously known as Altac Terminals Washington, Inc. GNP changed its corporate name through an amendment to its articles of incorporation filed with the Secretary of State of the State of Washington on September 10, 2007.

² The line of railroad approved for abandonment pursuant to that decision extended from milepost 39.00 to milepost 47.11, a distance of approximately 8.11 miles.

³ We note that the County does not appear to own the segment covering milepost 39.0 to milepost 39.1 of the line.

operated by GNP. GNP states that it will also provide commuter rail service and common carrier freight rail service over the segment as provided in its agreement with the County.⁴ GNP states that the segment at issue here is the first small piece of a larger segment that GNP hopes to operate.

The City requests that the Board deny GNP's application. The City opposes passenger rail operations on the segment, citing safety and noise concerns. In particular, the City complains about the negative impact rail service would have on several public facilities located near the segment, the danger to pedestrians and automobiles at the 11 crossings along the segment, and the close proximity of

the segment to many new multifamily residences. Further, the City argues that the safety of the Snohomish River Bridge has not been evaluated. Finally, the City argues that there is no apparent need for additional commuter rail service.

The rail segment qualifies for a modified certificate of public convenience and necessity, which was designed to promote the continuation of rail service over marginal lines. See *Common Carrier Status of States, State Agencies*, 363 I.C.C. 132, *aff'd sub nom. Simmons v. ICC*, 697 F.2d 326 (D.C. Cir. 1982).

Although the County supports the proposal, the City does not, and the City raises safety issues that it believes could arise if request rail service were to develop. It is not at all clear that the more extensive proposal, of which this proposal is a part, will materialize, in that GNP does not now have, and may never obtain, the ability to operate over any track beyond the 0.2-mile segment at issue here. Thus, the safety issues that the City raises may never arise as a result of the permissive authority sought here. In any event, any holder of a modified certificate must operate in accordance with all Federal Railroad Administration (FRA) safety regulations. The FRA regulations cover such areas as grade crossings, noise, and the safety of tracks and bridges. Thus, the City's concerns, should GNP's plans come to fruition, can be addressed under the appropriate regulations.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110-161, section 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F Street, NW., Washington, DC 20001; and on the American Short Line and Regional Railroad Association: American Short Line and Regional Railroad Association, 50 F Street, NW., Suite 7020, Washington, DC 20001.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: August 12, 2008.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8-19051 Filed 8-15-08; 8:45 am]

BILLING CODE 4915-01-P

⁴ The rail line involved in Docket No. AB-6 (Sub-No. 280X) connects with a 0.99-mile line of railroad owned by BNSF Railway Company (BNSF), between milepost 38.01 and milepost 39.0 in Snohomish (BNSF line). The BNSF line was the subject of a notice of exemption to abandon and discontinue service in *BNSF Railway Company—Abandonment Exemption—In Snohomish County, WA*, STB Docket No. AB-6 (Sub-No. 422X) (STB served July 2, 2004). By decision served on December 18, 2007, in STB Docket No. AB-6 (Sub-No. 422X), the consummation deadline for BNSF's abandonment of the line at issue in that proceeding was extended until December 31, 2008. GNP states that BNSF has not consummated the abandonment of the BNSF line and that the line may be acquired by a public authority. However, by subsequent letter received on July 21, 2008, BNSF advised the Board that it has consummated the abandonment of the BNSF line between milepost 38.25 and milepost 39.00, and that the remainder of the line (between milepost 38.01 and milepost 38.25) would be retained for railroad purposes.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Juniata County Area; published 7-18-08

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Revisions to the California State Implementation Plan: Pesticide Element; Ventura County; published 7-18-08

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Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure; published 7-17-08

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Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries:

Inseason Actions (5 and 6); comments due by 8-26-08; published 8-11-08 [FR E8-18482]

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery:

Biennial Specifications and Management Measures; Inseason Adjustments; comments due by 8-25-08; published 7-24-08 [FR E8-16986]

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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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H.R. 4040/P.L. 110-314

Consumer Product Safety Improvement Act of 2008 (Aug. 14, 2008; 122 Stat. 3016)

H.R. 4137/P.L. 110-315

Higher Education Opportunity Act (Aug. 14, 2008; 122 Stat. 3078)

H.R. 6432/P.L. 110-316

To amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes. (Aug. 14, 2008; 122 Stat. 3509)

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1	(869-064-00001-7)	5.00	Jan. 1, 2008
2	(869-064-00002-5)	8.00	Jan. 1, 2008
3 (2006 Compilation and Parts 100 and 102)	(869-064-00003-3)	35.00	Jan. 1, 2008
4	(869-064-00004-1)	13.00	Jan. 1, 2008
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1200-End	(869-064-00007-6)	64.00	Jan. 1, 2008
6	(869-064-00008-4)	13.50	Jan. 1, 2008
7 Parts:			
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400-699	(869-064-00014-9)	45.00	Jan. 1, 2008
700-899	(869-064-00015-7)	46.00	Jan. 1, 2008
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22 Parts:			
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24 Parts:			
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500-599	(869-064-00098-0)	12.00	⁵ Apr. 1, 2008	63 (63.6580-63.8830)	(869-062-00151-7)	32.00	July 1, 2007
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29 Parts:				136-149	(869-062-00160-6)	61.00	July 1, 2007
0-99	(869-062-00105-3)	50.00	⁷ July 1, 2007	150-189	(869-062-00161-4)	50.00	July 1, 2007
100-499	(869-062-00106-1)	23.00	July 1, 2007	190-259	(869-062-00162-2)	39.00	⁷ July 1, 2007
500-899	(869-062-00107-0)	61.00	⁷ July 1, 2007	260-265	(869-062-00163-1)	50.00	July 1, 2007
900-1899	(869-062-00108-8)	36.00	July 1, 2007	266-299	(869-062-00164-9)	50.00	July 1, 2007
1900-1910 (§§ 1900 to				300-399	(869-062-00165-7)	42.00	July 1, 2007
1910.999)	(869-062-00109-6)	61.00	July 1, 2007	400-424	(869-062-00166-5)	56.00	⁷ July 1, 2007
1910 (§§ 1910.1000 to				425-699	(869-062-00167-3)	61.00	July 1, 2007
end)	(869-062-00110-0)	46.00	July 1, 2007	700-789	(869-062-00168-1)	61.00	July 1, 2007
1911-1925	(869-062-00111-8)	30.00	July 1, 2007	790-End	(869-062-00169-0)	61.00	July 1, 2007
1926	(869-062-00112-6)	50.00	July 1, 2007	41 Chapters:			
1927-End	(869-062-00113-4)	62.00	July 1, 2007	1, 1-1 to 1-10		13.00	³ July 1, 1984
30 Parts:				1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
1-199	(869-062-00114-2)	57.00	July 1, 2007	3-6		14.00	³ July 1, 1984
200-699	(869-062-00115-1)	50.00	July 1, 2007	7		6.00	³ July 1, 1984
700-End	(869-062-00116-9)	58.00	July 1, 2007	8		4.50	³ July 1, 1984
31 Parts:				9		13.00	³ July 1, 1984
0-199	(869-062-00117-7)	41.00	July 1, 2007	10-17		9.50	³ July 1, 1984
200-499	(869-062-00118-5)	46.00	July 1, 2007	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
500-End	(869-062-00119-3)	62.00	July 1, 2007	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
32 Parts:				18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
1-39, Vol. I		15.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	1-100	(869-062-00170-3)	24.00	July 1, 2007
1-39, Vol. III		18.00	² July 1, 1984	101	(869-062-00171-1)	21.00	July 1, 2007
1-190	(869-062-00120-7)	61.00	July 1, 2007	102-200	(869-062-00172-0)	56.00	July 1, 2007
191-399	(869-062-00121-5)	63.00	July 1, 2007	201-End	(869-062-00173-8)	24.00	July 1, 2007
400-629	(869-062-00122-3)	61.00	July 1, 2007	42 Parts:			
630-699	(869-062-00123-1)	37.00	July 1, 2007	1-399	(869-062-00174-6)	61.00	Oct. 1, 2007
700-799	(869-062-00124-0)	46.00	July 1, 2007	400-413	(869-062-00175-4)	32.00	Oct. 1, 2007
800-End	(869-062-00125-8)	47.00	July 1, 2007	414-429	(869-062-00176-2)	32.00	Oct. 1, 2007
33 Parts:				430-End	(869-062-00177-1)	64.00	Oct. 1, 2007
1-124	(869-062-00126-6)	57.00	July 1, 2007	43 Parts:			
125-199	(869-062-00127-4)	61.00	July 1, 2007	1-999	(869-062-00178-9)	56.00	Oct. 1, 2007
200-End	(869-062-00128-2)	57.00	July 1, 2007	1000-end	(869-062-00179-7)	62.00	Oct. 1, 2007
34 Parts:				44	(869-062-00180-1)	50.00	Oct. 1, 2007
1-299	(869-062-00129-1)	50.00	July 1, 2007	45 Parts:			
300-399	(869-062-00130-4)	40.00	July 1, 2007	1-199	(869-062-00181-9)	60.00	Oct. 1, 2007
400-End & 35	(869-062-00131-2)	61.00	July 1, 2007	200-499	(869-060-00182-7)	34.00	⁹ Oct. 1, 2007
36 Parts:				500-1199	(869-062-00183-5)	56.00	Oct. 1, 2007
1-199	(869-062-00132-1)	37.00	July 1, 2007	1200-End	(869-062-00184-3)	61.00	Oct. 1, 2007
200-299	(869-062-00133-9)	37.00	July 1, 2007	46 Parts:			
300-End	(869-062-00134-7)	61.00	July 1, 2007	1-40	(869-062-00185-1)	46.00	Oct. 1, 2007
37	(869-062-00135-5)	58.00	July 1, 2007	41-69	(869-062-00186-0)	39.00	Oct. 1, 2007
38 Parts:				70-89	(869-062-00187-8)	14.00	Oct. 1, 2007
0-17	(869-062-00136-3)	60.00	July 1, 2007	90-139	(869-062-00188-6)	44.00	Oct. 1, 2007
18-End	(869-062-00137-1)	62.00	July 1, 2007	140-155	(869-062-00189-4)	25.00	Oct. 1, 2007
39	(869-062-00138-0)	42.00	July 1, 2007	156-165	(869-062-00190-8)	34.00	Oct. 1, 2007
40 Parts:				166-199	(869-062-00191-6)	46.00	Oct. 1, 2007
1-49	(869-062-00139-8)	60.00	July 1, 2007	200-499	(869-062-00192-4)	40.00	Oct. 1, 2007
50-51	(869-062-00140-1)	45.00	July 1, 2007	500-End	(869-062-00193-2)	25.00	Oct. 1, 2007
52 (52.01-52.1018)	(869-062-00141-0)	60.00	July 1, 2007	47 Parts:			
52 (52.1019-End)	(869-062-00142-8)	64.00	July 1, 2007	0-19	(869-062-00194-1)	61.00	Oct. 1, 2007
53-59	(869-062-00143-6)	31.00	July 1, 2007	20-39	(869-062-00195-9)	46.00	Oct. 1, 2007
60 (60.1-End)	(869-062-00144-4)	58.00	July 1, 2007	40-69	(869-062-00196-7)	40.00	Oct. 1, 2007
60 (Apps)	(869-062-00145-2)	57.00	July 1, 2007	70-79	(869-062-00197-5)	61.00	Oct. 1, 2007
61-62	(869-062-00146-1)	45.00	July 1, 2007	80-End	(869-062-00198-3)	61.00	Oct. 1, 2007
63 (63.1-63.599)	(869-062-00147-9)	58.00	July 1, 2007	48 Chapters:			
63 (63.600-63.1199)	(869-062-00148-7)	50.00	July 1, 2007	1 (Parts 1-51)	(869-062-00199-1)	63.00	Oct. 1, 2007
63 (63.1200-63.1439)	(869-062-00149-5)	50.00	July 1, 2007	1 (Parts 52-99)	(869-062-00200-9)	49.00	Oct. 1, 2007
				2 (Parts 201-299)	(869-062-00201-7)	50.00	Oct. 1, 2007
				3-6	(869-062-00202-5)	34.00	Oct. 1, 2007

Title	Stock Number	Price	Revision Date
7-14	(869-062-00203-3)	56.00	Oct. 1, 2007
15-28	(869-062-00204-1)	47.00	Oct. 1, 2007
29-End	(869-062-00205-0)	47.00	Oct. 1, 2007
49 Parts:			
1-99	(869-062-00206-8)	60.00	Oct. 1, 2007
100-185	(869-062-00207-6)	63.00	Oct. 1, 2007
186-199	(869-062-00208-4)	23.00	Oct. 1, 2007
200-299	(869-062-00208-1)	32.00	Oct. 1, 2007
300-399	(869-062-00210-6)	32.00	Oct. 1, 2007
400-599	(869-062-00210-3)	64.00	Oct. 1, 2007
600-999	(869-062-00212-2)	19.00	Oct. 1, 2007
1000-1199	(869-062-00213-1)	28.00	Oct. 1, 2007
1200-End	(869-062-00214-9)	34.00	Oct. 1, 2007
50 Parts:			
1-16	(869-062-00215-7)	11.00	Oct. 1, 2007
17.1-17.95(b)	(869-062-00216-5)	32.00	Oct. 1, 2007
17.95(c)-end	(869-062-00217-3)	32.00	Oct. 1, 2007
17.96-17.99(h)	(869-062-00218-1)	61.00	Oct. 1, 2007
17.99(i)-end and 17.100-end	(869-062-00219-0)	47.00	⁸ Oct. 1, 2007
18-199	(869-062-00226-3)	50.00	Oct. 1, 2007
200-599	(869-062-00221-1)	45.00	Oct. 1, 2007
600-659	(869-062-00222-0)	31.00	Oct. 1, 2007
660-End	(869-062-00223-8)	31.00	Oct. 1, 2007
CFR Index and Findings			
Aids	(869-064-00050-5)	65.00	Jan. 1, 2008
Complete 2008 CFR set	1,499.00		2008
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¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2007. The CFR volume issued as of April 1, 2000 should be retained.

⁶ No amendments to this volume were promulgated during the period April 1, 2006 through April 1, 2007. The CFR volume issued as of April 1, 2006 should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 2006, through July 1, 2007. The CFR volume issued as of July 1, 2006 should be retained.

⁸ No amendments to this volume were promulgated during the period October 1, 2005, through October 1, 2007. The CFR volume issued as of October 1, 2005 should be retained.

⁹ No amendments to this volume were promulgated during the period October 1, 2006, through October 1, 2007. The CFR volume issued as of October 1, 2006 should be retained.