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

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

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 910 and 913

[No. 2006–25]

RIN 3069–AB32

Privacy Act and Freedom of Information Act; Implementation

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is adopting as a final rule the interim final rule that revised the agency's implementing regulation under the Privacy Act of 1974 (Privacy Act) to include new sections concerning security of systems of records, use and collection of social security numbers, and employee responsibilities under the Privacy Act. The rule also amended the fee schedule in the Freedom of Information Act (FOIA) regulation, which the Finance Board uses to determine the amount of the fee it charges to duplicate records under both the FOIA and the Privacy Act, to take into account increased salary and operating costs.

DATES: The final rule will become effective on February 7, 2007.

FOR FURTHER INFORMATION CONTACT: Janice A. Kaye, Privacy Act Official and Senior Attorney-Advisor, Office of General Counsel, *kayej@fhfb.gov* or 202–408–2505; or David A. Lee, Chief Privacy Officer and Deputy Director, Office of Management, *leed@fhfb.gov* or 202–408–2514. You can send regular mail to the Federal Housing Finance Board, 1625 Eye Street, NW., Washington DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background

In October 2006, the Finance Board published an interim final rule with request for comments that revised its Privacy Act and FOIA regulations. See 71 FR 60810 (Oct. 17, 2006). The revised Privacy Act regulation (12 CFR part 913) includes new sections concerning security of systems of records, use and collection of social security numbers, and employee responsibilities under the Privacy Act. These amendments were modeled after the U.S. Department of Justice Privacy Act implementing rule, and are intended to enhance the agency's ability to protect personally identifiable information.

The rule also amended the fee schedule in the FOIA regulation (12 CFR 910.9), which the Finance Board uses to determine the amount of the fee it charges to duplicate records under both the FOIA and the Privacy Act, to take into account increased salary and operating costs. The 30-day public comment period for the interim final rule closed on November 16, 2006. See 70 FR at 60811.

II. Analysis of Public Comments and the Final Rule

The Finance Board received no comments in response to the interim final rule. Thus, for the reasons set forth in detail in the interim final rulemaking, the Finance Board is adopting the interim final rule as a final rule without any changes.

III. Regulatory Flexibility Act

The Finance Board adopted the amendments to parts 910 and 913 in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. See 5 U.S.C. 601(2), 603(a).

V. Paperwork Reduction Act

The final rule does not contain any collections of information under the Paperwork Reduction Act of 1995. See 44 U.S.C. 3501 *et seq.* Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects

12 CFR Part 910

Administrative practice and procedure, Archives and records, Confidential business information, Federal home loan banks, Freedom of information.

12 CFR Part 913

Administrative practice and procedure, Archives and records, Freedom of information, Privacy.

■ For the reasons stated in the preamble, the Finance Board hereby adopts the interim final rule revising 12 CFR parts 910 and 913 that was published at 71 FR 60810 on October 17, 2006, as a final rule without change.

Dated: December 29, 2006.

By the Federal Housing Finance Board.

Ronald A. Rosenfeld,

Chairman.

[FR Doc. E6–22653 Filed 1–5–07; 8:45 am]

BILLING CODE 6725–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM358; Special Conditions No. 25–342–SC]

Special Conditions: Gulfstream Aerospace Corporation, Model GV, GV–SP, and GIV–X Airplanes; Windshield Coating in Lieu of Wipers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: This special condition is issued for the Gulfstream Aerospace Corporation Model GV, GV–SP, and GIV–X airplanes. These airplanes will have a novel or unusual design feature(s) associated with the use of a hydrophobic windshield coating, rather than windshield wipers, as the means to maintain a clear portion of the windshield during precipitation conditions, as required by the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. This special condition contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: December 22, 2006.

FOR FURTHER INFORMATION CONTACT: John McConnell, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft

Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone (425) 227–1365; facsimile (425) 227–1320, e-mail *john.mcconnell@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2005, Gulfstream Aerospace Corporation, PO Box 2206, Savannah, Georgia 31402–2206, applied for a change to Type Certificate No. A12EA to use a hydrophobic windshield coating as the sole means of providing adequate pilot compartment view in the presence of precipitation for Gulfstream Model GV, GV–SP and GIV–X airplanes. The Gulfstream Model GV, GV–SP and GIV–X airplanes are currently approved under Type Certificate No. A12EA. The Model GV airplane is powered by two BMW-Rolls Royce Deutschland BR700–710A1–10 engines, operates with a two person flightcrew, and has the capacity to carry 19 passengers. The Model GV–SP airplane is powered by two BMW-Rolls Royce Deutschland BR700–710C4–11 engines, operates with a two person flightcrew, and has the capacity to carry 19 passengers. The Model GIV–X airplane is powered by two Rolls Royce Tay Mark 611–8C engines, operates with a two person flightcrew, and has the capacity to carry 19 passengers.

Type Certification Basis

Under the provisions of § 21.101, Gulfstream Aerospace Corporation must show that the Model GV, GV–SP and GIV–X airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A12EA, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.''

The regulations incorporated by reference in Type Certificate No. A12EA include:

- For Model GV airplanes—part 25, effective February 1, 1965, Amendment 25–1 through Amendment 25–81, with exceptions.
- For Model GV–SP airplanes—part 25, effective February 1, 1965, Amendment 25–1 through Amendment 25–98.
- For Model GIV–X airplanes—part 25, effective February 1, 1965, Amendment 25–1 through Amendment 25–101, with exceptions.

In addition, the certification basis includes other regulations, special conditions and exemptions that are not relevant to this special condition.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model GV, GV–SP and GIV–X airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model GV, GV–SP and GIV–X airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in § 11.19, under § 11.38, and they become part of the type certification basis under § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

The Gulfstream Model GV, GV–SP and GIV–X flightdeck designs incorporate a hydrophobic windshield coating to provide adequate pilot compartment view in the presence of precipitation. Sole reliance on such a coating, without windshield wipers or a windshield blower, constitutes a novel or unusual design feature for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. Therefore, special conditions are required that provide the level of safety equivalent to that established by the regulations.

Discussion of Comments

Notice of proposed special conditions No. 25–06–12–SC for Gulfstream Aerospace Corporation Model GV, GV–SP, and GIV–X airplanes was published in the **Federal Register** on October 31, 2006 (71 FR 63723). No comments were received, and the special condition is adopted as proposed.

Applicability

As discussed above, this special condition is applicable to Gulfstream Model GV, GV–SP and GIV–X airplanes. Should Gulfstream Aerospace Corporation apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special condition would apply to that model as well.

Effective Upon Issuance

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as scheduled airplane deliveries for the Gulfstream Model GV, GV–SP and GIV–X airplanes are imminent, the FAA finds that good cause exists to make this special condition effective upon issuance.

Conclusion

This action affects only certain novel or unusual design features on Gulfstream Model GV, GV–SP, and GIV–X airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

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

The Special Condition

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for Gulfstream Aerospace Corporation Model GV, GV–SP, and GIV–X airplanes.

Pilot Compartment View—Hydrophobic Coatings in Lieu of Windshield Wipers

The airplane must have a means to maintain a clear portion of the windshield, during precipitation conditions, enough for both pilots to have a sufficiently extensive view along the ground or flight path in normal taxi and flight attitudes of the airplane. This means must be designed to function, without continuous attention on the part of the crew, in conditions from light misting precipitation to heavy rain at speeds from fully stopped in still air, to 1.5 V_{SR1} with lift and drag devices retracted.

Issued in Renton, Washington, on December 22, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–28 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24948; Directorate Identifier 2005–NM–030–AD; Amendment 39–14871; AD 2006–26–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 707–100 Long Body, –100B Long Body, –100B Short Body, –E3F, –300, –300B, and –300C Series Airplanes; Model 727–100 and –200 Series Airplanes; Model 737–200, –200C, –300, –400, and –500 Series Airplanes; Model 747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747SR, and 747SP Series Airplanes; Model 757–200 and 757–200PF Series Airplanes; and Model 767–200 and –300 Series Airplanes; Equipped With Observer or Attendant Seats

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

ACTION: Final rule.

SUMMARY: The FAA is superseding two existing airworthiness directives (AD), which apply to certain Boeing airplanes as specified above. Those ADs currently require inspection of the attachment of the shoulder restraint harness to the mounting bracket on certain observer and attendant seats to determine if a C-clip is used in the attachment, and corrective action if necessary. This new AD removes certain airplanes from the applicability of one existing AD and adds other airplanes. We also determined that this new AD refers to identical revisions of certain service information cited by another existing AD. This AD results from the determination that some airplanes had been inadvertently included in or excluded from the applicability of one existing AD and that certain additional new airplanes are now subject to the identified unsafe condition. We are issuing this AD to prevent detachment of the shoulder restraint harness of the attendant or observer seat from its mounting bracket during service, which could result in injury to the occupant of the seat.

DATES: This AD becomes effective February 12, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of February 12, 2007.

On October 21, 2003 (68 FR 57609, October 6, 2003), the Director of the Federal Register approved the incorporation by reference of certain other publications listed in the AD.

On January 4, 2002 (66 FR 59681, November 30, 2001), the Director of the Federal Register approved the incorporation by reference of certain other publications listed in the AD.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC.

For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

FOR FURTHER INFORMATION CONTACT: Patrick Gillespie, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6429; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2001–24–02, amendment 39–12518 (66 FR 59681, November 30, 2001). The existing AD applies to certain Boeing Model 707–100, –100B, –300, and –E3A (military airplanes); 727–100 and –200; 737–200, –200C, –300, –400, and –500; 747SP and 747SR; 747–100B, –200B, –200C, –200F, –300, –400, and –400D; 757–200 and –200PF; and 767–200 and –300 series airplanes. That NPRM was published in the **Federal Register** on June 8, 2006 (71 FR 33267). That NPRM proposed to continue to require an inspection of the attachment of the shoulder restraint harness to the mounting bracket on certain observer and attendant seats to determine if a C-clip is used in the attachment, and corrective action, if necessary. That NPRM also proposed to remove certain airplanes from the applicability of the existing AD and add others.

Since we issued that NPRM, we were made aware that another AD should be affected by the proposed action. AD 2003–20–08, amendment 39–13326 (68 FR 57609, October 6, 2003), was issued to correct the same unsafe condition on certain Boeing Model 747–100B, –200B, –200C, –200F, –300, –400, –400D, 747SP, and 747SR series airplanes, and Model 767–200 and –300 series airplanes, not addressed by AD 2001–24–02. As this new AD cites certain primary sources of service information that are already cited in AD 2003–20–08, we determined that this could lead to confusion regarding applicability and unnecessary extra recordkeeping. Therefore, we also determined that this AD should be revised to supersede AD 2003–20–08 as well as AD 2001–24–02. Because none of the airplanes affected by AD 2003–20–08 appear on the U.S. Register, the requirements and costs to operators described in the NPRM will not change; therefore, we determined that providing additional notice and opportunity for public comment is unnecessary before this AD is issued.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been received on the NPRM.

Support for the NPRM

Boeing concurs with the contents of the NPRM.

Recommendation for Reference to Additional AD

United Airlines (UAL) and United Parcel Service (UPS) recommend a reference to an additional existing AD. UAL and UPS state that AD 2003–20–08 addresses exactly the same problem on Boeing Model 747 and 767 airplanes. UPS and UAL recommend that the NPRM refer to both AD 2001–24–02 and AD 2003–20–08.

We agree. Further, as discussed earlier, we have determined that this AD should not only refer to AD 2003–20–08, it should supersede that AD. AD 2001–24–02 refers to Boeing Service Bulletins 747–25–3244 and 767–25–0288, both at Revision 1, both dated May 17, 2001, as primary sources of service information, while AD 2003–20–08 refers to Boeing Service Bulletin 747–25–3244, Revision 4, dated June 26, 2003, and Boeing Special Attention Service Bulletin 767–25–0288, Revision 3, dated August 1, 2002, as primary sources of service information. No conflict exists between those references.

However, this AD also refers to Boeing Service Bulletin 747–25–3244, Revision 4, dated June 26, 2003; and Boeing Special Attention Service Bulletin 767–25–0288, Revision 3, dated August 1, 2002, as primary sources of service information. Two existing ADs that refer to identical service information to require identical actions could lead to confusion regarding applicability and unnecessary extra recordkeeping. As revising this AD to supersede AD 2003–20–08 will not add any requirements to this AD or increase costs to operators, we have determined that additional time for comments is unnecessary. Therefore, to eliminate parallel rulemaking and reduce the workload to operators and the FAA, we have revised this AD to supersede AD 2003–20–08 as well as AD 2001–24–02. As part of this revision, we have added a new Table 2 in paragraph (f) of this AD to address the applicability of AD 2001–24–02, and re-identified the existing Table 2 and all subsequent tables in the AD.

Request To Approve Existing Alternative Methods of Compliance (AMOCs)

UAL, UPS, and ABX Air (ABX) request that previously granted AMOCs with AD 2001–24–02 be approved for use with this AD. UAL is of the opinion that these previously granted AMOCs should also be valid for use under this new ruling. ABX relates that it went through the AMOC process for AD 2001–24–02 and requests that the following statement be added to the NPRM: ''AMOCs approved previously per AD 2001–24–02, amendment 39–12518, are approved as AMOCs with the applicable actions in paragraph (f) of this AD.'' UPS states that although this AD retains the requirements of AD 2001–24–02, this AD does not address the approved AMOCs to AD 2001–24–02. UPS asserts that all airplanes affected by AD 2001–24–02 would have been inspected within 36 months after January 4, 2002 (the effective date of AD 2001–24–02), or would be operating under an AMOC approved for use with AD 2001–24–02. UPS asserts that, if this AD supersedes AD 2001–24–02 without permitting use of the previously approved AMOCs, airplanes would be grounded immediately as of the effective date of this AD.

We agree. The only changes to this AD affect airplane applicability; therefore, all previously granted AMOCs are still valid. Further, we have determined that approved AMOCs with AD 2003–20–08 are still valid as well. Therefore, we have revised paragraph (m) of this AD to state that previously approved AMOCs with AD 2001–24–02 and AD 2003–20–08 are valid for use with this AD.

Request To Exempt Freighter Airplanes

UPS requests that airplanes which have been configured to carry freight be exempted from the applicability of this AD. UPS states that freighter airplanes no longer have the noted observer or attendant seats installed.

We agree that the specified seats are not currently installed on freighter airplanes, the specified C-clips are not present, and, as paragraph (c) of the AD states, the AD applies only to airplanes with observer or attendant seats installed. However, should such a seat be installed on a freighter airplane for any reason, that airplane would be subject to the requirements of this AD. Therefore, no change is needed to the AD in this regard.

Request To Revise Applicability

UPS requests that we revise the applicability of the NPRM. UPS asserts that, because the compliance time of AD 2001–24–02 has passed, all airplanes specified by that AD must be in compliance and this rule is not necessary for those airplanes. UPS requests that we make this AD applicable only to new airplanes instead of superseding AD 2001–24–02.

We do not agree. We have determined that the new AD is necessary to accurately reflect all applicable airplanes, to ensure that operators outside the U.S. are made aware of the AD requirements, and to ensure that any airplane imported into the country and placed on the U.S. Register is subject to the requirements of this AD. We have not changed the AD in this regard.

Conclusion

We have carefully reviewed the available data, including the comments that have been received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

Since we issued AD 2001–24–02 and AD 2003–20–08, we have increased the labor rate used in the cost estimate calculations to $80 per work hour. However, with respect to the total cost impact for the fleet, this increase in the hourly labor rate will be offset by the decrease in the number of affected airplanes in this AD. Further, none of the additional airplanes affected by AD 2003–20–08 appear on the U.S. Registry; therefore, no additional costs apply to U.S. operators.

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Base model	Number of work hours (@ ¼-work hour/seat)	Hourly labor rate	Total cost per airplane	Number of airplanes/ U.S. registry	Total fleet cost	Number of airplanes/ worldwide
707	1	$80	$80	21	$1,680	250
727	1	80	80	881	70,480	1,986
737	2	80	160	459	73,440	885
747	5	80	400	83	33,200	554
757	2	80	160	257	41,120	262
767	3	80	240	207	49,680	596

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–12518 (66 FR 59681, November 30, 2001) and amendment 39–13326 (68 FR 57609, October 6, 2003), and by adding the following new airworthiness directive (AD):

2006–26–13 Boeing: Amendment 39–14871. Docket No. FAA–2006–24948; Directorate Identifier 2005–NM–030–AD.

Effective Date

(a) This AD becomes effective February 12, 2007.

Affected ADs

(b) This AD supersedes AD 2001–24–02 and AD 2003–20–08.

Applicability

(c) This AD applies to airplanes, certificated in any category, as identified in Table 1 of this AD; equipped with any observer or attendant seat.

TABLE 1.—APPLICABILITY

Boeing—	As identified in Boeing—
(1) Model 707–100 long body, 707–100B long body, 707–100B short body, 707–E3F, 707–300, 707–300B, and 707–300C series airplanes.	Service Bulletin 3499, Revision 1, dated May 17, 2001.
(2) Model 727–100 and 727–200 series airplanes	Service Bulletin 727–25–0295, Revision 2, dated February 6, 2003.
(3) Model 737–200, 737–200C, 737–300, 737–400, and 737–500 series airplanes.	Special Attention Service Bulletin 737–25–1412, Revision 3, dated December 2, 2004.
(4) Model 747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747SR, and 747SP series airplanes.	Service Bulletin 747–25–3244, Revision 4, dated June 26, 2003.
(5) Model 757–200 and 757–200PF series airplanes	Service Bulletin 757–25–0223, Revision 1, dated May 17, 2001.
(6) Model 767–200 and 767–300 series airplanes	Special Attention Service Bulletin 767–25–0288, Revision 3, dated August 1, 2002.

Unsafe Condition

(d) This AD results from reports of the shoulder restraint harness of the attendant or observer seat detaching from the mounting bracket. We are issuing this AD to prevent detachment of the shoulder restraint harness of the attendant or observer seat from its mounting bracket during service, which could result in injury to the occupant of the seat.

Compliance

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

Restatement of the Requirements of AD 2001–24–02

Inspection and Corrective Action

(f) For airplanes identified in Table 2 of this AD, excluding airplanes having variable numbers PW001 through PW054 inclusive, PW091, PW092, PW093, and PW094: Within 36 months after January 4, 2002 (the effective date of AD 2001–24–02), do a one-time general visual inspection of the attachment of the shoulder restraint harness of each observer or attendant seat to determine if a C-clip is used in the attachment. Do the inspection according to the applicable service bulletin identified in Table 3 of this AD. If the shoulder harness is looped through the bracket and attached to itself with a C-clip, do paragraph (f)(1) or (f)(2) of this AD. If the inspection required by paragraph (f) of this AD is done after the effective date of this AD, paragraph (f)(1) or (f)(2), if required, must be done before further flight after the inspection required by paragraph (f) of this AD.

TABLE 2.—APPLICABILITY OF PARAGRAPH (F) OF THIS AD

Boeing—	As identified in Boeing—
Model 707–100 long body, 707–100B long body, 707–100B short body, 707–E3F, 707–300, 707–300B, and 707–300C series airplanes.	Service Bulletin 3499, Revision 1, dated May 17, 2001.
Model 727–100 and 727–200 series airplanes	Service Bulletin 727–25–0295, Revision 1, dated May 17, 2001.
Model 737–200, –200C, –300, –400, and –500 series airplanes	Special Attention Service Bulletin 737–25–1412, Revision 1, dated May 17, 2001.
Model 747SR, 747SP, and 747–100B, –200B, –200C, –200F, –300, –400, and –400D series airplanes.	Service Bulletin 747–25–3244, Revision 1, dated May 17, 2001.
Model 757–200 and 757–200PF series airplanes	Service Bulletin 757–25–0223, Revision 1, dated May 17, 2001.

TABLE 2.—APPLICABILITY OF PARAGRAPH (F) OF THIS AD—Continued

Boeing—	As identified in Boeing—
Model 767–200 and –300 series airplanes	Service Bulletin 767–25–0288, Revision 1, dated May 17, 2001.

(1) Remove and discard the C-clip, and reattach the shoulder harness to the mounting bracket, according to the service bulletin. Accomplishment of these actions before the effective date of this AD according to the applicable service bulletin version identified in Table 4 of this AD is also acceptable for compliance with the requirements of paragraph (f)(1) of this AD.

(2) Install a second C-clip with the clip's opening positioned in the opposite direction of the opening of the existing C-clip, according to the optional method described in Steps 19 and 20 of Figure 1 or 2 of the applicable service bulletin.

Restatement of the Requirements of AD 2003–20–08

Inspection and Corrective Action

(g) For airplanes identified in paragraphs (c)(4) and (c)(6) of this AD: Within 36 months after October 21, 2003 (the effective date of AD 2003–20–08), do a one-time general visual inspection of the attachment of the shoulder restraint harness of each observer or attendant seat to determine if a C-clip is used in the attachment. Do the inspection according to the applicable service bulletin identified in Table 3 of this AD. If the shoulder harness is looped through the bracket and attached to itself with a C-clip, do paragraph (g)(1) or (g)(2) of this AD. If the inspection required by paragraph (g) of this AD is done after the effective date of this AD, paragraph (g)(1) or (g)(2) of this AD, if required, must be done before further flight after the inspection required by paragraph (g) of this AD.

(1) Remove and discard the C-clip, and reattach the shoulder harness to the mounting bracket, according to the service bulletin. Accomplishment of these actions before the effective date of this AD according to the applicable service bulletin version identified in Table 4 of this AD is also acceptable for compliance with the requirements of paragraph (g)(1) of this AD.

(2) Install a second C-clip with the clip's opening positioned in the opposite direction of the opening of the existing C-clip, according to the optional method described in Steps 19 and 20 of Figure 1 or 2 of the applicable service bulletin.

Acceptable for Compliance

(h) Removing and discarding the C-clip and reattaching the shoulder harness to the mounting bracket, according to Boeing Service Bulletin 747–25–3244, Revision 1, dated May 17, 2001, Revision 2, dated April 25, 2002, Revision 3, dated August 1, 2002, or Revision 4, dated June 26, 2003; or Boeing Service Bulletin 767–25–0288, Revision 1, dated May 17, 2001, or Revision 2, dated April 25, 2002; as applicable; is acceptable for compliance with the requirements of paragraph (g)(1) of this AD.

New Requirements of this AD

Inspection and Corrective Action

(i) For Model 737–200, –200C, –300, –400, and –500 series airplanes with variable numbers PW231 through PW252 inclusive: Within 36 months after the effective date of this AD, do a one-time general visual inspection of the attachment of the shoulder restraint harness of each observer or attendant seat to determine if a C-clip is used in the attachment. Do the inspection according to the applicable service bulletin identified in Table 3 of this AD. If the shoulder harness is looped through the bracket and attached to itself with a C-clip, do paragraph (i)(1) or (i)(2) of this AD before further flight.

(1) Remove and discard the C-clip, and reattach the shoulder harness to the mounting bracket, according to the service bulletin. Accomplishment of these actions before the effective date of this AD according to the applicable service bulletin version identified in Table 4 of this AD is also acceptable for compliance with the requirements of paragraph (i)(1) of this AD.

(2) Install a second C-clip with the clip's opening positioned in the opposite direction of the opening of the existing C-clip, according to the optional method described in Steps 19 and 20 of Figure 1 or 2 of the applicable service bulletin.

TABLE 3.—REQUIRED SERVICE BULLETINS FOR APPLICABLE REQUIREMENTS OF THIS AD

Model	Boeing
707–100 long body, –100B long body, –100B short body, –E3F, –300, –300B, and –300C series airplanes.	Service Bulletin 3499, Revision 1, dated May 17, 2001.
727–100 and –200 series airplanes	Service Bulletin 727–25–0295, Revision 1, dated May 17, 2001; or Service Bulletin 727–25–0295, Revision 2, dated February 6, 2003.
737–200, –200C, –300, –400, and –500 series airplanes	Service Bulletin 737–25–1412, Revision 1, dated May 17, 2001; or Special Attention Service Bulletin 737–25–1412, Revision 2, dated September 18, 2003; or Special Attention Service Bulletin 737–25–1412, Revision 3, dated December 2, 2004.
747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747SR, and 747SP series airplanes.	Service Bulletin 747–25–3244, Revision 1, dated May 17, 2001; or Service Bulletin 747–25–3244, Revision 2, dated April 25, 2002; or Special Attention Service Bulletin 747–25–3244, Revision 3, dated August 1, 2002; or Service Bulletin 747–25–3244, Revision 4, dated June 26, 2003.
757–200 and 757–200PF series airplanes	Service Bulletin 757–25–0223, Revision 1, dated May 17, 2001.
767–200 and –300 series airplanes	Service Bulletin 767–25–0288, Revision 1, dated May 17, 2001; or Service Bulletin 767–25–0288, Revision 2, dated April 25, 2002; or Special Attention Service Bulletin 767–25–0288, Revision 3, dated August 1, 2002.

TABLE 4.—ACCEPTABLE BOEING SERVICE BULLETIN REVISIONS

Model	Special attention service bulletin
707–100 long body, –100B long body, –100B short body, –E3F, –300, –300B, and –300C series airplanes.	3499, dated April 27, 2000.
727–100 and –200 series airplanes	727–25–0295, dated April 27, 2000.
737–200, –200C, –300, –400, and –500 series airplanes	737–25–1412, dated April 27, 2000.

TABLE 4.—ACCEPTABLE BOEING SERVICE BULLETIN REVISIONS—Continued

Model	Special attention service bulletin
747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747SR, and 747SP.	747–25–3244, dated April 27, 2000.
757–200 and 757–200PF series airplanes	757–25–0223, dated April 27, 2000.
767–200 and –300 series airplanes	767–25–0288, dated April 27, 2000.

Parts Installation

(j) For airplanes identified in paragraph (f) of this AD: As of January 4, 2002, do not attach the shoulder restraint harness of an observer or attendant seat on any airplane to the mounting bracket using a C-clip, unless the requirements of paragraph (f)(2) of this AD are done.

(k) For airplanes identified in paragraph (g) of this AD: As of October 21, 2003, do not attach the shoulder restraint harness of an observer or attendant seat on any airplane to the mounting bracket using a C-clip, unless the requirements of paragraph (g)(2) of this AD are done.

(l) For airplanes identified in paragraph (i) of this AD: As of the effective date of this AD, do not attach the shoulder restraint harness of an observer or attendant seat on any airplane to the mounting bracket using a C-clip, unless the requirements of paragraph (i)(2) of this AD are done.

Alternative Methods of Compliance (AMOCs)

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

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) AMOCs approved previously in accordance with AD 2001–24–02 and AD 2003–20–08 are approved as AMOCs for the corresponding provisions of this AD.

Material Incorporated by Reference

(n) You must use the applicable Boeing service bulletins specified in Table 5 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise.

TABLE 5.—ALL MATERIAL INCORPORATED BY REFERENCE

Boeing	Revision level	Date
Service Bulletin 3499	1	May 17, 2001.
Service Bulletin 727–25–0295	1	May 17, 2001.
Service Bulletin 727–25–0295	2	February 6, 2003.
Service Bulletin 737–25–1412	1	May 17, 2001.
Service Bulletin 747–25–3244	1	May 17, 2001.
Service Bulletin 747–25–3244	2	April 25, 2002.
Service Bulletin 747–25–3244	4	June 26, 2003.
Service Bulletin 757–25–0223	1	May 17, 2001.
Service Bulletin 767–25–0288	1	May 17, 2001.
Service Bulletin 767–25–0288	2	April 25, 2002.
Special Attention Service Bulletin 737–25–1412	2	September 18, 2003.
Special Attention Service Bulletin 737–25–1412	3	December 2, 2004.
Special Attention Service Bulletin 747–25–3244	3	August 1, 2002.
Special Attention Service Bulletin 767–25–0288	3	August 1, 2002.

(1) The Director of the Federal Register approved the incorporation by reference of the documents specified in Table 6 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

TABLE 6.—NEW MATERIAL INCORPORATED BY REFERENCE

Boeing	Revision level	Date
Service Bulletin 727–25–0295	2	February 6, 2003.
Service Bulletin 747–25–3244	2	April 25, 2002.
Service Bulletin 767–25–0288	2	April 25, 2002.
Special Attention Service Bulletin 737–25–1412	2	September 18, 2003.
Special Attention Service Bulletin 737–25–1412	3	December 2, 2004.
Special Attention Service Bulletin 747–25–3244	3	August 1, 2002.

(2) On October 21, 2003 (68 FR 57609, October 6, 2003), the Director of the Federal Register approved the incorporation by reference of Boeing Service Bulletin 747–25–3244, Revision 4, dated June 26, 2003; and Boeing Special Attention Service Bulletin 767–25–0288, Revision 3, dated August 1, 2002.

(3) On January 4, 2002 (66 FR 59681, November 30, 2001), the Director of the Federal Register approved the incorporation by reference of the Boeing service bulletins specified in Table 7 of this AD.

TABLE 7.—CERTAIN MATERIAL PREVIOUSLY INCORPORATED BY REFERENCE

Boeing	Revision level	Date
Service Bulletin 3499	1	May 17, 2001.
Service Bulletin 727–25–0295	1	May 17, 2001.
Service Bulletin 737–25–1412	1	May 17, 2001.
Service Bulletin 747–25–3244	1	May 17, 2001.
Service Bulletin 757–25–0223	1	May 17, 2001.
Service Bulletin 767–25–0288	1	May 17, 2001.

(4) Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Issued in Renton, Washington, on December 21, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–22467 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–26040; Airspace Docket No. 06–ASO–13]

Establishment of Class E Airspace; Williamsburg, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Williamsburg, KY. Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) Runway 02 and RWY 36 have been developed for Williamsburg—Whitley County Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAPs and for Instrument Flight Rules (IFR) operations at Williamsburg—Whitley County Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, March 15, 2007. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Mark D. Ward, Manager, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On October 25, 2006, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Williamsburg, KY (71 FR 62398). This action provides adequate Class E airspace for IFR operations at Williamsburg—Whitley County Airport. Designations for Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in FAA Order 7400.9P, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

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

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Williamsburg, KY.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 16, 2006, is amended as follows:

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

* * * * *

ASO KY E5 Williamsburg, KY [New]

Williamsburg—Whitley County Airport, KY (Lat. 36°47′42″ N., long. 84°11′58″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Williamsburg—Whitley County Airport.

* * * * *

Issued in College Park, Georgia, on December 14, 2006.

Kathy Kutch,

Manager, System Support Group, Eastern Service Center.

[FR Doc. 06–9996 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Monensin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Animal Health. The supplemental NADA revises the concentration of monensin in Type C medicated feeds used for improved feed efficiency, and for the prevention and control of coccidiosis in cattle fed in confinement for slaughter.

DATES: This rule is effective January 8, 2007.

FOR FURTHER INFORMATION CONTACT: Eric S. Dubbin, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0232, e-mail: *eric.dubbin@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, filed a supplement to NADA 95–735 that provides for use of RUMENSIN 80 (monensin) Type A medicated articles. The supplement revises the concentration of monensin in Type C medicated feeds used for improved feed efficiency, and for the prevention and control of coccidiosis in cattle fed in confinement for slaughter. The supplemental NADA is approved as of December 1, 2006, and the regulations in 21 CFR 558.355 are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has carefully considered the potential environmental impact of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Division of Dockets Management (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 2. Section 558.355 is amended as follows:

a. Revise paragraph (d)(2);

b. Revise the introductory text of paragraphs (f)(3)(i) and (f)(3)(vii);

c. Revise paragraph (f)(3)(vii)(*b*);

d. Amend paragraph (f)(3)(i)(*b*)(*1*) by revising the second sentence and adding a new third sentence.

The revisions read as follows:

§ 558.355 Monensin.

* * * * *

(d) * * *

(2) Type C cattle feeds containing 40 grams or less monensin per ton shall bear an expiration date of 30 days after its date of manufacture.

(f) * * *

(3) * * *

(i) [*Amount per ton*]. Monensin, 5 to 40 grams.

(*b*) * * *

(*1*) *Limitations.* * * * Feed continuously in complete feed at a rate of 50 to 480 milligrams of monensin per head per day. No additional improvement in feed efficiency has been shown from feeding monensin at levels greater than 30 grams per ton (360 milligrams per head per day). * * *

* * * * *

(vii) *Amount per ton.* Monensin, 10 to 40 grams.

* * * * *

(*b*) *Limitations.* For cattle fed in confinement for slaughter, feed at a rate of 0.14 to 0.42 milligram per pound of body weight per day, depending upon the severity of challenge, up to maximum of 480 milligrams per head per day.

* * * * *

Dated: December 19, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E7–4 Filed 1–5–07; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0648; FRL–8266–1]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Identification of the Northern Virginia PM2.5 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Virginia State Implementation Plan (SIP). The revision consists of the addition of counties in Northern Virginia which were designated as nonattainment for the fine particulate (PM2.5) national ambient air quality standard (NAAQS). EPA is approving this revision in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on March 9, 2007 without further notice, unless EPA receives adverse written comment by February 7, 2007. 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 Number EPA-R03-OAR–2006–0648 by one of the following methods:

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

B. E-mail: *miller.linda@epa.gov.*

C. Mail: EPA–R03–OAR–2006–0648, Linda Miller, Acting Chief, Air Quality Planning and Analysis Branch,

Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No EPA–R03–OAR–2006–0648. 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 information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. 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.

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 during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 814–2068, or by e-mail at *miller.linda@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 8, 2006, the Commonwealth of Virginia submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of the addition of counties in the Northern Virginia PM2.5 nonattainment area to the air quality regulations in the Virginia Code (9 VAC 5–20–204). This section of the Virginia regulations identifies areas included in nonattainment areas for the National Ambient Air Quality Standards (NAAQS).

On July 18, 1997, EPA revised the NAAQS for particulate matter to add a new standard for fine particulates ($PM_{2.5}$), airborne particles with a nominal aerodynamic diameter of 2.5 micrometers or less. The health-based standards for air quality are the $PM_{2.5}$ annual NAAQS, 15 micrograms per cubic meter, based on a 3-year average of annual mean $PM_{2.5}$ concentrations; and the 24-hour NAAQS. 65 micrograms per cubic meter based on a 3-year average of the 98th percentile of 24-hour concentrations. Nonattainment areas for the fine particle standard ($PM_{2.5}$) were promulgated by EPA on January 5, 2005 as required by section 197(d) of the Clean Air Act (CAA). Additional information on the designation process and requirements for nonattainment areas is found in the **Federal Register** document for the designations (70 FR 944 and 71 FR 19844). The designation of these counties and local jurisdictions in a $PM_{2.5}$ nonattainment area is not the subject of this rulemaking.

II. Summary of SIP Revision

The Commonwealth of Virginia is amending 9 VAC 5–20–204.A.3 to include the previously designated counties and local jurisdictions into the Northern Virginia portion of the Washington, DC $PM_{2.5}$ nonattainment area. The counties and local areas included in the nonattainment area are Arlington County, Fairfax County, Loudon County, Prince William, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City. This SIP revision approves the addition of these counties and local jurisdictions to the planning areas listed in the Virginia Code (9 VAC 5–20–204.A.3).

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) That are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts * * *.'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements

imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Final Action

EPA is approving the revision (VA D05) which identifies areas designated as part of the Northern Virginia portion of the Washington, DC $PM_{2.5}$ nonattainment area. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. The designation process included opportunity for public comment. In addition, there were no public comments in the State public participation process. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on March 9, 2007 without further notice unless EPA receives adverse comment by February 7, 2007. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by State law, it 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). This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 9, 2007.

Filing a petition for reconsideration by the Administrator of this final rule to update the Virginia regulations to include counties and local jurisdictions in the Northern Virginia PM2.5 nonattainment area does not affect the finality of this rule 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, Particulate matter,

Reporting and recordkeeping requirements.

Dated: December 22, 2006.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for 40 CFR part 52 continues to read as follows:

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by revising the entry for Chapter 20, Part II, Section 5–20–204 to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
			Chapter 20 General Provisions	
*	*	*	*	*
			Part II Air Quality Programs	
*	*	*	*	*
5–20–204	Nonattainment Areas	5/4/05	1/8/07 [Insert page number where the document begins]	Paragraph 5–20–204A.3 is added.
*	*	*	*	*

* * * * *

[FR Doc. E6–22552 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0843; FRL–8261–3]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). This action revises various definitions of terms used by the SCAQMD and rescinds duplicative requirements for landfills from the VCAPCD. We are approving and rescinding these local rules under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on March 9, 2007 without further notice, unless EPA receives adverse comments by February 7, 2007. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–0843, by one of the following methods:

1. Federal eRulemaking Portal: *http://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 *http://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 *http://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: Cynthia G. Allen, EPA Region IX, (415) 947–4120, *allen.cynthia@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 rules did the State submit?

Table 1 lists the rules we are approving and rescinding with the date that they were adopted by the local air

agency and submitted by the California Air Resources Board (CARB).

Local agency	Rule #	Rule title	Adopted	Submitted
SCAQMD	102	Definition of Terms	12/03/04	06/16/06
VCAPCD	74.17	Solid Waste Disposal Sites (Rule Rescission)	03/10/98	07/15/05

On July 21, 2006 (SCAQMD) and August 18, 2005 (VCAPCD), these rule submittals were found to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

We approved versions of these rules into the SIP on the dates listed: SCAQMD Rule 102 on February 3, 2000 and VCAPCD Rule 74.17 on October 4, 1994. SCAQMD adopted a revision to the SIP approved version of Rule 102 on October 19, 2001 which was not submitted to us by CARB.

C. What is the purpose of the submitted rule revisions?

Section 110(a) of the CAA requires states to submit regulations that control volatile organic compounds, oxides of nitrogen, particulate matter, and other air pollutants which harm human health and the environment. These rules were developed as part of the local agency's program to control these pollutants.

South Coast Rule 102 has been revised to add the following definitions: Agricultural Permit Unit, Agricultural Source, Clean Air Solvent Certificate, Confined Animal Facility (CAF), Hazardous Air Pollutant, Orchard Heater, and Orchard Wind Machine.

Ventura Rule 74.17 is being rescinded in its entirety because sources previously subject to this rule are now subject to Rule 74.17.1, which has been approved as part of the California State Plan for landfills and is federally enforceable.

EPA's technical support documents (TSD) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

SCAQMD Rule 102 provides definitions that support emission controls found in other local agency requirements. VCAPCD Rule 74.17 is being rescinded because the requirements for controlling VOC emissions from landfills are federally enforceable through another mechanism. In combination with the other requirements, rule revisions must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). EPA policy that we used to help evaluate enforceability requirements consistently includes the Bluebook (''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988) and the Little Bluebook (''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001).

B. Do the rules meet the evaluation criteria?

We believe these revisions are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSD has more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule revisions because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rule revisions. If we receive adverse comments by February 7, 2007, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on March 9, 2007. This will incorporate this rule into the federally enforceable SIP.

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

These rules do not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

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.

These rules will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval 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 approval action promulgated 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 approves pre-existing requirements 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.

These rules 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 approves a state rule implementing a federal standard, 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 rule.

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 final rule 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.

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

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

These rules are not subject to Executive Order 13045 because they do not involve decisions intended to mitigate environmental health or safety risks.

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

These rules are 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.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective February 7, 2007.

K. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 9, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 11, 2006.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(187)(i)(B)(*5*) and (c)(345) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(187) * * *

(i) * * *

(B) * * *

(*5*) Previously approved on October 4, 1994 in paragraph (c)(187)(i)(B)(*1*) of this section and now deleted without replacement, Rule 74.17.

* * * * *

(345) New and amended regulations for the following APCDs were submitted on June 16, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) Rule 102, adopted on December 3, 2004.

* * * * *

[FR Doc. E7–22 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 72, No. 4
Monday, January 8, 2007

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE263; Notice No. 23–07–01–SC]

Special Conditions: Aviation Technology Group, Incorporated, Javelin Model 100; Firewalls for Fuselage Mounted Engines and Fire Extinguishing for Aft Fuselage Mounted Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Aviation Technology Group, Incorporated, Javelin Model 100 airplane. This airplane will have a novel or unusual design feature(s) associated with aft mounted engine fire protection. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: We must receive your comments by February 7, 2007.

ADDRESSES: Mail two copies of your comments to: Federal Aviation Administration, Regional Counsel, ACE–7, 901 Locust, Room 506, Kansas City, Missouri 64106. You may deliver two copies to the Small Airplane Directorate at the above address. Mark your comments: Docket No. CE263. You may inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Leslie B. Taylor, Regulations & Policy Branch, ACE–111, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Kansas City, MO 64106; telephone (816) 329–4134; facsimile (816) 329–4090, e-mail at *leslie.b.taylor@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On February 25, 2005, Aviation Technology Group, Incorporated applied for a type certificate for their new Javelin Model 100. The Javelin Model 100, is a two-place acrobatic airplane with two fuselage mounted turbofan engines.

Part 23 historically addressed fire protection on multiengine airplanes based on the assumption that the engines are sufficiently separated to essentially eliminate the possibility of an engine fire spreading to another engine. On traditional multiengine airplanes, this has been achieved by locating engines on the wings separated by the fuselage. This configuration ensures that an engine fire on one side does not migrate to the opposite engine. This configuration also protects the opposite engine from heat radiating from the engine fire. Prevention, identification, and containment are traditional means of fire protection. Prevention has been provided through minimizing the potential for ignition of flammable fluids and vapors. Identification has been provided by locating engines within the pilots' primary field of view and/or with the incorporation of fire detection systems. This has provided both rapid detection of a fire and confirmation when it was extinguished. Containment has been provided through the isolation of designated fire zones through flammable fluid shutoff valves and firewalls. This philosophy also ensures that components of the engine control system will function effectively to permit a safe shutdown of an engine. However, containment has only been demonstrated for 15 minutes. If a fire occurs in traditional Part 23 airplanes, the appropriate corrective action is to land as soon as possible. For a small, simple airplane originally envisioned by Part 23, it is possible to descend and land within 15 minutes. Thus, the occupants can safely exit the airplane before the firewall is breached. These simple airplanes normally have the engine located away from critical flight control systems and primary structure. This has ensured that, throughout a fire event, a pilot can continue safe flight, and it has made the prediction of fire effects relatively easy.

Title 14 CFR, part 23, did not envision the type of configuration of the Javelin Model 100 airplane. The Javelin Model 100 incorporates two turbofan engines located side-by-side in compartments in the aft fuselage. These engines are not in the pilots' field of view. Located forward of the engines is a 280 gallon fuel tank and associated components. Behind and above the engines are the horizontal and vertical tails. Passing through or near the engines are primary structure and systems to support these critical flight controls. With the location in the aft fuselage, the ability to visually detect a fire is minimal. The effects of a fire emanating from an enclosed engine installation are more varied, adverse, and more difficult to predict than an engine fire envisioned for typical part 23 airplanes.

Type Certification Basis

Under 14 CFR 21.17, Aviation Technology Group, Incorporated must show that the Javelin Model 100 meets the applicable provisions of part 23, as amended by Amendments 23–1 through 23–55 thereto.

If the Administrator finds that the applicable airworthiness regulations in 14 CFR part 23 do not contain adequate or appropriate safety standards for the Javelin Model 100 because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Javelin Model 100 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in § 11.19, under § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

The Javelin Model 100 will incorporate the following novel or unusual design features: The Javelin Model 100 incorporates two turbofan engines located side-by-side in compartments in the aft fuselage. These engines are not in the pilots' field of view. Located forward of the engines is a 280 gallon fuel tank and associated components. Behind and above the engines are the horizontal and vertical tails. Passing through or near the engines are primary structure and systems to support these critical flight controls. The effects of a fire in such a compartment are more varied and adverse than the typical engine fire in a simple Part 23 airplane. With the location in the aft fuselage, the ability to visually detect a fire is minimal. However, the ability to extinguish an engine fire becomes extremely critical with the Javelin engine location. The engines in the aft fuselage have the potential to affect the pitch and yaw primary flight controls and the fuselage and empennage structure.

While the certification basis for the Model 100 requires that a fire detection system be installed due to the engine location, fire extinguishing is also considered a requirement. A sustained fire could result in loss of control of the airplane and damage to primary structure before an emergency landing could be made. Because of the location of critical structures and flight controls, a means to minimize the probability of re-ignition from occurring is necessary. One acceptable method to minimize re-ignition is to install a two-shot system. The effects of a fire emanating from an enclosed engine installation are more varied, adverse, and more difficult to predict than an engine fire envisioned for typical part 23 airplanes.

Discussion

The engines are side-by-side in the aft fuselage so there is a need to maintain isolation during a fire including heat transfer from the engine fire to the unaffected engine. There is also a need to prevent flammable vapors, flammable fluids, and flame from accumulating. Finally, there is a need to extinguish fires.

Applicability

As discussed above, these special conditions are applicable to the Javelin Model 100. Should Aviation Technology Group, Incorporated, apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Aviation Technology Group, Incorporated Javelin Model No. 100 airplanes.

Fire Isolation and Extinguishing

The fire protection system of the airplane must include features to isolate each fire zone from any other zone and the airplane to maintain isolation of the engines during a fire. Therefore, these special conditions mandate that the firewall required by § 23.1191 be extended to provide firewall isolation between either engine. These special conditions require that heat radiating from a fire originating in any fire zone must not affect components, airframe structure, systems, or flight controls in adjacent compartments in a way that endangers the airplane.

Each fire zone should be ventilated to prevent the accumulation of flammable vapors. It must also be designed such that it will not allow entry of flammable fluids, vapors, or flames from other fire zones. It must be designed such that it does not create an additional fire hazard from the discharge of vapors or fluids.

1. *SC 23.1195*—Add the requirements of § 23.1195 while deleting ''For commuter category,'' adding the requirement to ''minimize the probability of re-ignition,'' and deleting +the statement ''An individual 'one-shot' system may be used.''

23.1195, Fire Extinguishing Systems

(a) Fire extinguishing systems must be installed and compliance shown with the following:

(1) Except for combustor, turbine, and tailpipe sections of turbine-engine installations that contain lines or components carrying flammable fluids or gases for which a fire originating in these sections is shown to be controllable, a fire extinguisher system must serve each engine compartment;

(2) The fire extinguishing system, the quantity of extinguishing agent, the rate of discharge, and the discharge distribution must be adequate to extinguish fires and minimize the probability of re-ignition;

(3) The fire extinguishing system for a nacelle must be able to simultaneously protect each compartment of the nacelle for which protection is provided.

(b) If an auxiliary power unit is installed in any airplane certificated to this part, that auxiliary power unit compartment must be served by a fire extinguishing system meeting the requirements of paragraph (a)(2) of this section.

2. *SC 23.1197*—Add the requirements of § 23.1197 while deleting ''For commuter category airplanes.''

23.1197, Fire Extinguishing Agents

The following applies:

(a) Fire extinguishing agents must—

(1) Be capable of extinguishing flames emanating from any burning fluids or other combustible materials in the area

protected by the fire extinguishing system; and

(2) Have thermal stability over the temperature range likely to be experienced in the compartment in which they are stored.

(b) If any toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or fluid vapors (from leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight) from entering any personnel compartment, even though a defect may exist in the extinguishing system. This must be shown by test except for built-in carbon dioxide fuselage compartment fire extinguishing systems for which—

(1) Five pounds or less of carbon dioxide will be discharged under established fire control procedures into any fuselage compartment; or

(2) Protective breathing equipment is available for each flight crewmember on flight deck duty.

3. *SC 23.1199*—Add the requirements of § 23.1199 while deleting ''For commuter category airplanes.''

23.1199, Extinguishing Agent Containers

The following applies:

(a) Each extinguishing agent container must have a pressure relief to prevent bursting of the container by excessive internal pressures.

(b) The discharge end of each discharge line from a pressure relief connection must be located so that discharge of the fire-extinguishing agent would not damage the airplane. The line must also be located or protected to prevent clogging caused by ice or other foreign matter.

(c) A means must be provided for each fire extinguishing agent container to indicate that the container has discharged or that the charging pressure is below the established minimum necessary for proper functioning.

(d) The temperature of each container must be maintained, under intended operating conditions, to prevent the pressure in the container from—

(1) Falling below that necessary to provide an adequate rate of discharge; or

(2) Rising high enough to cause premature discharge.

(e) If a pyrotechnic capsule is used to discharge the fire extinguishing agent, each container must be installed so that temperature conditions will not cause hazardous deterioration of the pyrotechnic capsule.

4. *SC 23.1201*—Add the requirements of § 23.1201 while deleting ''For commuter category airplanes.''

23.1201, Fire Extinguishing System Materials

The following apply:

(a) No material in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard.

(b) Each system component in an engine compartment must be fireproof.

Issued in Kansas City, Missouri on December 27, 2006.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–22647 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26725; Directorate Identifier 2006–NM–161–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, and –106 Airplanes and Model DHC–8–200 and DHC–8–300 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier Model DHC–8–102, –103, and –106 airplanes and Model DHC–8–200 and DHC–8–300 series airplanes. This proposed AD would require modifying the main landing gear (MLG) and nose landing gear (NLG) handle assemblies for alternate release and the MLG retaining plate. This proposed AD would also require doing a related investigative action and corrective action if necessary. This proposed AD results from reports of broken or damaged MLG and NLG alternate release cables caused by rubbing and fraying at the cable-to-handle interface. We are proposing this AD to prevent breakage of the MLG and NLG alternate release cables, which, if the normal gear extension fails, could result in the inability to extend the MLG or NLG and consequent collapse of the landing gear during ground maneuvers or upon landing.

DATES: We must receive comments on this proposed AD by February 7, 2007.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, room PL–401, Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York 11590; telephone (516) 228–7320; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''FAA–2006–26725; Directorate Identifier 2006–NM–161–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified us that an unsafe condition may exist on certain Bombardier Model DHC–8–102, –103, and –106 airplanes and Model DHC–8–200 and DHC–8–300 series airplanes. TCCA has received reports of broken or damaged main landing gear (MLG) and nose landing gear (NLG) alternate release cables caused by rubbing and fraying at the cable-to-handle interface. If the normal gear extension fails, the failure of the alternate release system, if not corrected, could result in the inability to extend the MLG or NLG and consequent collapse of the landing gear during ground maneuvers or upon landing.

Relevant Service Information

Bombardier has issued Service Bulletin 8–32–146, Revision 'D,' dated February 7, 2003. The service bulletin describes procedures for modifying the MLG and NLG handle assemblies and the MLG retaining plate, doing a related investigative action, and doing corrective action if necessary. The modification involves machining the sharp edges of the MLG and NLG handle assemblies and the MLG retaining plate. The related investigative action is inspecting the cable for damage. The corrective action is replacing any damaged cable with a new or serviceable cable. Accomplishing the actions specified in the service bulletin is intended to adequately address the unsafe condition. TCCA mandated the service bulletin and issued Canadian airworthiness directive CF–2006–09, issued May 8, 2006, to ensure the continued airworthiness of these airplanes in Canada.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in Canada and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. We have examined TCCA's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Modification	5	$80	$400	164	$65,600

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket No. FAA–2006–26725; Directorate Identifier 2006–NM–161–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by February 7, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Bombardier Model DHC–8–102, DHC–8–103, and DHC–8–106 airplanes and Model DHC–8–200 and DHC–8–300 series airplanes; certificated in any category; serial numbers 003 through 579 inclusive.

Unsafe Condition

(d) This AD results from reports of broken or damaged main landing gear (MLG) and nose landing gear (NLG) alternate release cables caused by rubbing and fraying at the cable-to-handle interface. We are issuing this AD to prevent breakage of the MLG and NLG alternate release cables, which, if the normal gear extension fails, could result in the inability to extend the MLG or NLG and consequent collapse of the landing gear during ground maneuvers or upon landing.

Compliance

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

Modification

(f) Within 3,000 flight hours after the effective date of this AD, modify the MLG and NLG handle assemblies for alternate release and the MLG retaining plate, do the related investigative action, and the corrective action if applicable, by accomplishing all the applicable actions specified in the Accomplishment Instructions of Bombardier Service Bulletin 8–32–146, Revision 'D,' dated February 7, 2003. Do the corrective action, if applicable, before further flight.

Actions Accomplished According to Previous Issue of Service Bulletin

(g) Actions accomplished before the effective date of this AD in accordance with Bombardier Service Bulletin 8–32–146, dated September 10, 1999; Revision 'A,' dated January 17, 2001; Revision 'B,' dated June 25, 2001; or Revision 'C,' dated January 24, 2003; are considered acceptable for compliance with the corresponding action specified in this AD.

Parts Installation

(h) As of the effective date of this AD, no person may install any part specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD, on any airplane.

(1) MLG handle assembly, part number (P/N) 83260042.

(2) NLG handle assembly, P/N 83260020.

(3) MLG retaining plate, P/N 83260043.

Alternative Methods of Compliance (AMOCs)

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

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(j) Canadian airworthiness directive CF–2006–09, issued May 8, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on December 21, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–22534 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26726; Directorate Identifier 2006–NM–205–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400F Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 747–400F series airplanes. This proposed AD would require installing drains and drain tubes to eliminate water accumulation in the dripshield above the M826 Card File in the main equipment center. This proposed AD results from a report that water from the dripshield entered the card file and damaged a circuit card, causing the AFT CARGO FIRE MSG message to be illuminated and resulting in an air turn back. We are proposing this AD to prevent water from entering the card file and damaging a circuit card. Failure of one or more of the 15 fuel system circuit cards in the card file could cause loss of fuel management, which could cause unavailability of fuel. Failure of one or more of the 35 fire detection circuit cards could cause a false message of a fire, or no message of a fire when there is a fire.

DATES: We must receive comments on this proposed AD by February 22, 2007.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, room PL–401, Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Marcia Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6484; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''FAA–2006–26726; Directorate Identifier 2006–NM–205–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket

Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

We have received a report of the AFT CARGO FIRE MSG message illuminating in the cockpit of a Boeing Model 747–400F series airplane, resulting in an air turn back. An investigation revealed no signs of actual fire. Investigation found water dripping onto and around the dripshield located over the M826 Card File in the main equipment center at station 400. Due to the amount of water, the dripshield was not able to prevent water from entering the card file and damaging a circuit card. Circuit cards subject to damage in that location are fire detection, fuel system, and electrical system cards. This condition, if not corrected, could result in water entering the card file and damaging a circuit card. Failure of one or more of the 15 fuel system circuit cards in the card file could cause loss of fuel management, which could cause unavailability of fuel. Failure of one or more of the 35 fire detection circuit cards could cause a false message of a fire, or no message of a fire when there is a fire.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–25A3370, Revision 1, dated April 27, 2006. The alert service bulletin describes procedures for installing two drains and drain tubes in the dripshield above the M826 Card File. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

There are about 86 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Installation	8	$80	$822	$1,462	21	$30,702

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2006–26726; Directorate Identifier 2006–NM–205–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by February 22, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–400F series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–25A3370, Revision 1, dated April 27, 2006.

Unsafe Condition

(d) This AD results from a report that water from the dripshield entered the card file and damaged a circuit card, causing the AFT CARGO FIRE MSG message to be illuminated and resulting in an air turn back. We are issuing this AD to prevent water from entering the card file and damaging a circuit card. Failure of one or more of the 15 fuel system circuit cards in the card file could cause loss of fuel management, which could cause unavailability of fuel. Failure of one or more of the 35 fire detection circuit cards could cause a false message of a fire, or no message of a fire when there is a fire.

Compliance

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

Installation

(f) Within 24 months after the effective date of this AD, install two drains and drain tubes in the dripshield above the M826 Card File over the nose wheel left side in the main equipment center at station 400, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3370, Revision 1, dated April 27, 2006.

Installation According to Previous Issue of Service Bulletin

(g) Installing the drains and drain tubes is also acceptable for compliance with the requirements of paragraph (f) of this AD if done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–25A3370, dated September 8, 2005.

Alternative Methods of Compliance (AMOCs)

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

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Issued in Renton, Washington, on December 12, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–22535 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–SW–37–AD]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc. Model 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HS, 369HM, 500N, and OH–6A Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD) for MD Helicopters, Inc. (MDHI) Model 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HS, 369HM, 500N, and OH–6A helicopters that would have required replacing or reworking certain forward (fwd) and aft landing gear assemblies. That proposal was prompted by five reports of landing gear strut (strut) failures. This action revises that action by proposing to mandate both the creation of an access hole to facilitate inspections and a recurring inspection. The proposed AD also would exclude from the applicability certain helicopters modified with a certain Supplemental Type Certificate (STC) and would provide a terminating action for the proposed requirements. This proposal also includes clarifying changes. The actions specified by this proposed AD are intended to detect a crack that could result in the failure of a strut and subsequent loss of control of the helicopter during landing.

DATES: Comments must be received on or before March 9, 2007.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003–SW–37–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov*. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from MD Helicopters Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, Arizona 85215–9734, telephone 1–800–388–3378, fax 480–346–6813, or on the web at *http://www.mdhelicopters.com*. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: John Cecil, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712–4137, telephone (562) 627–5228, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2003–SW–37–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

A proposal to amend 14 CFR part 39 to add an AD for the specified MDHI model helicopters was published in the **Federal Register** on August 4, 2004 (69 FR 47040). That proposal would have required removing all landing gear fairings; determining the number and location of rivets that attach the landing gear fairing support assembly to the landing gear strut; and if three rivets (fwd, aft and inboard) are present, replacing or reworking the landing gear assembly. If only the fwd and aft rivets are present, no rework would be required by the proposed AD. That proposal was prompted by five reports of strut failures. Operators of the helicopters with failed struts do not fall into any clear category of service. For example, one was a tour operator in Niagara Falls, New York and another was a police department operator in Calgary, Canada. In its original design, the fairing support was attached to the strut with three rivets (forward, aft, and outboard). In 1994, the manufacturer released a design change to attach the fairing support assembly with only forward and aft rivets because of the possibility of reduced service life of the strut if the third rivet was located on the inboard side of the strut. Some landing gear struts entered service with an additional rivet hole drilled on the inboard side of the strut. This additional rivet hole results in decreased fatigue strength of the strut and subsequent

cracking. That condition, if not corrected, could result in cracking of the fwd and aft struts, failure of a strut, and subsequent loss of control of the helicopter during landing.

Since issuing that proposal, we received several comments from 2 commenters and agree that we should make some changes to our proposed AD. We have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment since we are making changes that expand the scope of the originally proposed rule. Due consideration was given to all of the comments received.

One commenter, the manufacturer, states that we need to mandate the installation of the landing gear fairing inspection hole rather than specifically excluding it from the proposed requirements as we did in the notice of proposed rulemaking (NPRM). The commenter also states that we should have the operators commence the periodic crack inspection per the maintenance manual. The commenter states that without these two critical additions the likelihood of a strut failure due to fatigue still exists.

After further consideration, we agree that having an inspection hole in the fairing would be preferable to removing the fairings every 100 hours time-in-service (TIS) or annually in order to do the inspection of the inboard rivet hole. We have also determined that our decision not to propose to mandate the repetitive crack inspection in the NPRM was an error. Therefore, we are now proposing to mandate the drilling of the access hole as well as the repetitive crack inspections of the inboard rivet. We have also added Notes in this proposal that include information for doing the inspections.

The same commenter provided us with a marked-up proposal that contains suggested word changes or additional information, but did not provide justification for those changes. We have made only those changes that clarify or correct the proposal.

One of those suggested changes was a request to change the wording we use to describe the intent of the proposed actions. The commenter writes that the intent of the proposed AD is to detect cracks of the fwd and aft struts, remove cracked struts from service prior to failure, and preclude subsequent extensive damage to the helicopter during landing. Although we agree that the proposal is intended primarily to detect cracks, we maintain that such cracking could lead to fatigue failure of the strut and loss of control of the helicopter during landing; therefore we have not made any changes to the proposal.

Another requested change is that we change the number of work hours to determine the number of rivets from 7 to 2, that we include the fairing as a part that may need to be reworked, and that we reduce the cost impact of the proposed AD from $438,800 to $227,225. In the NPRM, we erroneously estimated that it would take 7 work hours to determine the number of rivets; we agree with the commenter's suggestion that 2 hours is more appropriate and have revised the proposal accordingly. Also, since we are now proposing to mandate these actions, we have added the work hours and costs associated with both drilling the inspection hole in the fairing and accomplishing the repetitive inspections.

The commenter also requests that we add the address for obtaining service information. It is not appropriate to include the manufacturer's address within the regulatory text of the AD and we have not done so; however, we have included that address in the **ADDRESSES** section of this proposal and will add the address in the Incorporation by Reference paragraph of the Final Rule when it is issued.

Also requested is that we more specifically identify the ''three rivets'' in the Discussion of the proposal and that part of the intent of the AD is to ''clean up the inboard rivet hole (de-burr). We agree only to more specifically identify the ''three rivets'' and have modified the proposal accordingly.

Finally, the commenter requests that we change the proposal to mandate only the recording of the initial inspection in the logbook but not any subsequent periodic landing gear inspections. We do not agree with this comment; all required inspections must be recorded. For the subsequent landing gear inspections proposed by this action, a Part 91 operator, for example, would be required by 39.7 to comply with the requirements of the AD, would be required by 43.11 to make entries in the maintenance records after any required inspection is performed, and would be required by 91.417 to keep maintenance records of required inspections. Therefore, we have not made the requested change.

Another commenter, a manufacturer, suggests that operators who can verify that their helicopters have an Aerometals strut (P/N 369XH6001–41, –42, –51, –52) that was ''installed'' under STC No. SR00981LA should not have to take any further actions at the strut locations because those struts are only approved to have fairing supports attached with two rivets (forward and aft) and they have never been approved for a third, inboard rivet. The commenter states that excluding the struts that they manufactured will result in a substantial savings to operators because their landing gear fairings will not have to be removed from a strut to verify the number of rivets attaching the fairing support since their installation should be annotated in the maintenance records. We agree with the commenter and have excluded those struts from the applicability of this proposal.

Because some of these changes expand the scope of the originally proposed rule, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA estimates that this proposed AD would affect 651 helicopters of U.S. registry. Determining the number of rivets and initially inspecting each affected ''3-hole'' strut and fairing would take approximately 2 work hours, installing a new strut would take approximately 1.5 work hours, and reworking a strut would take 1 work hour. Each repetitive inspection would take ¼ work hour per strut (1 hour per helicopter for each of 4 struts). The average labor rate is $80 per work hour. Required parts (new struts) would cost approximately $2,838 for each forward strut, $2,574 for each aft strut, and $97 for a modification kit to install an inspection hole. Assuming that each helicopter would get the initial inspection, that all 651 helicopters would be modified, that 325 helicopters would need two struts reworked, that 5 helicopters would require 2 new forward struts, and that 2 repetitive inspections would be required per year, the total estimated cost of the proposed AD on U.S. operators would be about $353,047 ($248,887 for the initial inspections, modification, and parts, and $104,160 for the repetitive inspections).

Regulatory Findings

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

MD Helicopters, Inc.: Docket No. 2003–SW–37–AD.

Applicability: Model 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HS, 369HM, 500N, and OH–6A helicopters, with any of the components listed in the Applicability Table installed, excluding any model with Aerometals strut (part number (P/N) 369XH6001–41, –42, –51, or –52) installed in accordance with Supplemental Type Certificate (STC) No. SR00981LA, certificated in any category:

APPLICABILITY TABLE

Component name	Component part number (P/N)
Mid Aft Fairing Assembly	369H6200–61, –62, standard gear.
Aft Support Assembly	369H6200–23, –24 (–23 to be reinstalled on the right-hand side and –24 to be reinstalled on the left-hand side, all configurations).
Aft Fairing Assembly	369H92113–91, –92, extended gear.
Aft Filler Assembly	369H92113–131, –132, extended gear.
Aft Fillet Assembly	369A6200–45, –46, standard gear.
Aft Fillet Assembly	369H92113–111, –112, extended gear.
Mid Fwd Fairing Assembly	369H6200–41, –42, standard gear.
Fwd Fairing Assembly	369H92113–81, –82, extended gear.
Fwd Support Assembly	369H6200–23, –24 (–23 becomes right-hand side and –24 becomes left-hand side).
Fwd Filler Assembly	369H92113–121, –122, extended gear.
Fwd Fillet Assembly	369A6200–57, –58, standard gear.
Fwd Fillet Assembly	369H92113–101, –102, extended gear.

Compliance: Required as indicated.

To detect a crack that could result in the failure of a strut and subsequent loss of control of the helicopter during landing, accomplish the following:

(a) Within 4 months, unless accomplished previously, remove all landing gear fairings (fairings) and inspect each landing gear fairing support assembly (support assembly) to determine the number and location of the rivets attaching the support assembly to the landing gear strut assembly (strut assembly).

(1) If three rivets (forward, aft and inboard) are used to attach the support assembly to the strut assembly,

(i) For each FORWARD landing gear assembly, remove the landing gear fillet assembly (fillet assembly), the three rivets, and the support assembly, and clean and dye-penetrant inspect the area in and around the 0.125 (3.18mm) diameter hole in the inboard surface of the strut assembly.

(A) If the strut assembly is cracked, replace the cracked strut assembly with an airworthy strut assembly and install the other landing gear components in accordance with steps (6) through (11) of paragraph C of the Accomplishment Instructions of MD Helicopters Service Bulletin SB369H–244, SB369E–094, SB500N–022, SB369D–200, and SB369F–078, dated April 7, 2000 (SB).

(B) If the strut assembly is *not* cracked, rework the landing gear assembly and install the other landing gear components in accordance with steps (5) through (11) of paragraph C of the Accomplishment Instructions of the SB.

(ii) For each AFT landing gear assembly, remove the fillet assembly, the three rivets, and the support assembly, and clean and dye-penetrant inspect the area in and around the 0.125 (3.18mm) diameter hole in the inboard surface of the strut assembly.

(A) If the strut assembly is cracked, replace the cracked strut assembly with an airworthy strut assembly and install the other landing gear components in accordance with steps (6) through (13) of paragraph B of the Accomplishment Instructions of the SB.

(B) If the strut assembly is not cracked, rework the landing gear assembly and install the other landing gear components in accordance with steps (5) through (13) of Paragraph B of the Accomplishment Instructions of the SB.

(2) If only two rivets (forward and aft) are used to attach the support assembly to the strut assembly and a third rivet hole has not been drilled in the strut, neither the inspection of the strut assembly nor the rework of those landing gear assemblies is required by this AD.

(b) At intervals not to exceed 100 hours TIS or during each annual inspection, whichever occurs first, for any strut assembly that has a third rivet hole, remove the fairing inspection button plug and clean and inspect the area in and around the rivet hole for cracks using a bright light and 1 10x or higher magnifying glass.

(1) If any FORWARD strut assembly is cracked, replace the cracked strut with an airworthy strut assembly.

(2) If any AFT strut assembly is cracked, replace the cracked strut with an airworthy strut assembly.

(c) Installing a strut assembly that has only 2 rivet holes is terminating action for the requirements of this AD.

Note 1: For the Model 369D, 369E, 369F, 369FF, and 500N helicopters, the Handbook of Maintenance Instruction, Servicing and Maintenance, HMI, CSP–HMI–2, Chapter 32, Section 32–10–00, ''Landing Gear Strut Inspection'' pertains to the subject of this AD.

Note 2: For the Model 369(A) (OH–6A), 369H, 369HE, 369HS, and 369HM helicopters, the Basic Handbook of Maintenance Instructions CSP–H–2, Section 6, ''Landing Gear'' pertains to the subject of this AD.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, for information about previously approved alternative methods of compliance.

Issued in Fort Worth, Texas, on December 26, 2006.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E7–41 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26771; Directorate Identifier 2005–SW–07–AD]

RIN 2120–AA64

Airworthiness Directives; Enstrom Helicopter Corporation Model F–28A, F–28C, F–28F, TH–28, 280, 280C, 280F, 280FX, 480, and 480B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for Enstrom Helicopter Corporation (Enstrom) Model F–28A, F–28C, F–28F, TH–28, 280, 280C, 280F, 280FX, 480, and 480B helicopters. The AD would require determining the installation dates for each main rotor push-pull control rod (push-pull rod), inspecting the push-pull rods for corrosion, replacing any push-pull rod which has corrosion that is severe enough to cause pitting, or has visible moisture inside the rod, and repairing each push-pull rod that has corrosion but no pitting. This proposal is prompted by one reported incident in which the helicopter pilot encountered severe in flight vibration due to the failure of a push-pull rod, requiring an emergency landing. The actions specified by the proposed AD are intended to detect corrosion and prevent failure of a push-pull rod, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before March 9, 2007.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically;
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically;
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590;
- *Fax:* 202–493–2251; or
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from The Enstrom Helicopter Corporation, Twin County Airport, P.O. Box 490, Menominee, Michigan 49858.

You may examine the comments to this proposed AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Shawn Malekpour, Aviation Safety Engineer, FAA, Chicago Aircraft Certification Office, 2300 East Devon Ave., Des Plaines, Illinois 60018, telephone (847) 294–7837, fax (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES.** Include the docket number ''FAA–2006–26771, Directorate Identifier 2005–SW–07–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Management System (DMS) Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located at the plaza level of the Department of Transportation NASSIF Building in Room PL–401 at 400 Seventh Street, SW., Washington, DC. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

This document proposes adopting a new AD for Enstrom Model F–28A, F–28C, F–28F, TH–28, 280, 280C, 280F, 280FX, 480, and 480B helicopters. The proposed AD would require reviewing the helicopter maintenance records and determining the installation dates for the push-pull rods. If the dates cannot be determined from the maintenance records, using the ''Date MFD'', which is located on the helicopter data plate, would be used as the installation date for the push-pull rods. The proposed AD would also require a visual inspection for corrosion on the exterior and interior of the three push-pull rods, part number (P/N) 28–16253-all dash numbers (for Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters) or P/N 4140532-all dash numbers (for Model TH–28, 480, and 480B helicopters), using the compliance times stated in the following table. Replacing any push-pull rod that has corrosion that is severe enough to cause pitting or has moisture inside the rod, and repairing any push-pull rod that has corrosion but no pitting, would be required before further flight. Repairing a push-pull rod consists of cleaning the push-pull rod, applying a protective coating, and sealing the push-pull rod before reinstalling it on a helicopter.

Helicopter models	Push-pull rod service life	Compliance times
Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters.	Push-pull rod that has been installed for 20 or more years.	Inspect within 10 hours time-in-service (TIS) or at next annual inspection, whichever occurs first.
Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters.	Push-pull rod that has been installed for 10 or more years, but less than 20 years.	Inspect within 50 hours TIS or at the next annual inspection, whichever occurs first.
Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters.	Push-pull rod that has been installed for less than 10 years.	Inspect before the service life of the push-pull rod reaches 10 years since initial installation.
Model TH–28, 480, and 480B helicopters	Push-pull rod that has been installed for 10 or more years.	Inspect within 50 hours TIS or at the next annual inspection, whichever occurs first.
Model TH–28, 480, and 480B helicopters	Push-pull rod that has been installed for less than 10 years.	Inspect before the service life of the push-pull rod reaches 10 years since initial installation.

This proposal is prompted by one reported incident in which severe in-flight vibrations required an emergency landing. Upon landing, the tail rotor, tail rotor gearbox, and horizontal stabilizer separated from the helicopter. A subsequent investigation revealed a rupture of the lower end of one of the three push-pull rods. The actions specified by the proposed AD are intended to detect corrosion on a push-pull rod and prevent failure of a push-pull rod, and subsequent loss of control of the helicopter.

We have reviewed the following service information:

- Enstrom Helicopter Corporation Service Directive Bulletin No. 0096, dated September 10, 2003, which describes visually inspecting the push-pull rods for corrosion and internal moisture, provides for repairing light corrosion, and is applicable to Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters.
- Enstrom Helicopter Corporation Service Directive Bulletin No. T–019, dated September 10, 2003, which describes visually inspecting the push-pull rods for corrosion and internal moisture, provides for repairing light corrosion, and is applicable to Model TH–28, 480, and 480B helicopters.
- Enstrom Helicopter Corporation Service Information Letter (SIL) No. T–019, dated December 9, 2003, applicable to Model TH–28, 480, and 480B helicopters, which describes visually inspecting each push-pull rod for a crack, nick, scratch, dent, corrosion, damaged threads, bending, and contact wear. We are not proposing to require the inspections specified in the SIL.
- Enstrom Helicopter Corporation Service Information Letter No. 0156, dated December 9, 2005, applicable to Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters, which describes visually inspecting each push-pull rod for a crack, nick, scratch, dent, corrosion, damaged threads, bending, and contact wear. We are not proposing to require the inspections specified in the SIL.

This unsafe condition is likely to exist or develop on other helicopters of the same type designs. Therefore, the proposed AD would require determining the installation date for the push-pull rods and inspecting each of the three push-pull rods for corrosion. If corrosion that is severe enough to cause pitting is found, or if moisture is visible on the inside of a push-pull rod, the AD would require replacing the push-pull rod. If there is corrosion without pitting on a push-pull rod, that push-pull rod may be repaired. Repairing a push-pull rod consists of cleaning the push-pull rod, applying a protective coating, and sealing the push-pull rod before remarking it and reinstalling it on a helicopter. The actions would be required to be accomplished in accordance with the specified portions of the Enstrom service directive bulletins described previously.

We estimate that this proposed AD would affect 378 helicopters of U.S. registry, and that the required actions would take the following numbers of work hours to accomplish on each helicopter at an average labor rate of $80 per work hour:

- 8 work hours to remove, disassemble, and inspect the 3 push-pull rods;
- 9 work hours to repair corrosion without pitting, remark each push-pull rod, and reassemble each push-pull rod; and
- 3 work hours to reinstall 3 push-pull rods on the helicopter. Required parts would cost approximately $900 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators would be $945,000 ($2,500 per helicopter), assuming 3 push-pull rods are replaced on each helicopter.

Regulatory Findings

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

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

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

We prepared a draft economic evaluation of the estimated costs to comply with this proposed AD. See the DMS to examine the draft economic evaluation.

Authority for this Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Enstrom Helicopter Company: Docket No. FAA–2006–26771; Directorate Identifier 2005–SW–07–AD.

Applicability: Model F–28A, F–28C, and F–28F helicopters, excluding serial number (S/N) 816 and subsequent; Model 280, 280C, 280F, and 280FX helicopters, excluding S/N 2100 and subsequent; and Model TH–28, 480, and 480B helicopters, excluding S/N 5058 and subsequent, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect corrosion and prevent failure of a main rotor push-pull control rod (push-pull rod), and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS) or at the next annual inspection, whichever occurs first, review the helicopter maintenance records and determine the date that each push-pull rod, part number (P/N) 28–16253-all dash numbers (for Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters) and P/N 4140532-all dash numbers (for Model TH–28, 480, and 480B helicopters), was installed. If the date cannot be determined from the maintenance records, use the ''Date MFD'', which is located on the helicopter data plate, as the installation date for the push-pull rod.

(b) For Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters, using the compliance times stated in Table 1 of this AD, visually inspect the exterior and interior of each of the three push-pull rods for corrosion severe enough to cause pitting or any moisture, paying special attention to the area of the lower fitting, in accordance with section 5.1., INSPECTION, in Enstrom Helicopter Corporation Service Directive Bulletin No. 0096, dated September 10, 2003 (SDB 0096).

TABLE 1

Helicopter models	Push-pull rod service life	Compliance times
Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters.	Push-pull rod that has been installed for 20 or more years.	Inspect within 10 hours time-in-service (TIS) or at next annual inspection, whichever occurs first.
Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters.	Push-pull rod that has been installed for 10 or more years, but less than 20 years.	Inspect within 50 hours TIS or at the next annual inspection, whichever occurs first.
Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters.	Push-pull rod that has been installed for less than 10 years.	Inspect before the service life of the push-pull rod reaches 10 years since initial installation.

(1) Before further flight, if corrosion without pitting is found on a push-pull rod, then repair, reassemble, remark, and reinstall it in accordance with section 5.2., REPAIR/REASSEMBLY, in SDB 0096.

(2) Before further flight, if corrosion is found that is severe enough to cause pitting, or if any moisture is visible on the inside of a push-pull rod, replace it with an airworthy push-pull rod.

Note 1: Determining continued serviceability of the push-pull rods by inspecting the exterior only of each push-pull rod is described in Enstrom Helicopter Corporation Service Information Letter No. 0156, dated December 9, 2003.

(c) For Model TH–28, 480 and 480B helicopters, using the compliance times stated in Table 2 of this AD, visually inspect the exterior and interior of each of the three push-pull rods for corrosion severe enough to cause pitting or any moisture, paying special attention to the area of the lower fitting, in accordance with section 5.1., INSPECTION, in Enstrom Helicopter Corporation Service Directive Bulletin No. T–019, dated September 10, 2003 (SDB T–019).

TABLE 2

Helicopter models	Push-pull rod service life	Compliance times
Model TH–28, 480, and 480B helicopters	Push-pull rod that has been installed for 10 or more years.	Inspect within 50 hours TIS or at the next annual inspection, whichever occurs first.
Model TH–28, 480, and 480B helicopters	Push-pull rod that has been installed for less than 10 years.	Inspect before the service life of the push-pull rod reaches 10 years since initial installation.

(1) Before further flight, if corrosion without pitting is found on a push-pull rod, then repair, reassemble, remark, and reinstall it in accordance with section 5.2., REPAIR/REASSEMBLY, in SDB T–019.

(2) Before further flight, if corrosion is found that is severe enough to cause pitting, or if any moisture is visible on the inside of a push-pull rod, replace it with an airworthy push-pull rod.

Note 2: Determining continued serviceability of the push-pull rods by inspecting the exterior only of each push-pull rod is described in Enstrom Helicopter Corporation Service Information Letter No. T–019, dated December 9, 2003.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, for information about previously approved alternative methods of compliance.

Issued in Fort Worth, Texas, on December 26, 2006.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E7–43 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26693; Directorate Identifier 2006–CE–90–AD]

RIN 2120–AA64

Airworthiness Directives; Reims Aviation S.A. F406 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

This AD is issued following a nose landing gear collapse during takeoff roll. Several expertises proved that the locking device of the Nose Landing Gear (NLG) actuator rod was on several F406 airplanes not conforming with the installation approved by the manufacturer.

There were two different landing gear actuator designs installed on the F406 airplanes. The actuators used different locking devices to retain the spherical rod-end to the actuator rod. Use of the incorrect locking device could allow the spherical rod-end to disconnect from the actuator rod. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by February 7, 2007.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4144; fax (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–26693; Directorate Identifier 2006–CE–90–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Direction Générale de L'Aviation Civile (DGAC), which is the aviation authority for France, has issued AD No. F–2005–065, dated April 27, 2005 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

This AD is issued following a nose landing gear collapse during takeoff roll. Several expertises proved that the locking device of the Nose Landing Gear (NLG) actuator rod was on several F406 airplanes not conforming with the installation approved by the manufacturer.

As Main Landing Gear (MLG) actuator rod locking devices are similar to the NLG ones, then MLG actuator locking devices shall also be inspected.

This AD requires inspection of the NLG and MLG locking devices and as requested their replacement to comply with the manufacturer's approved design.

There were two different landing gear actuator designs installed on the F406 airplanes. The actuators used different locking devices to retain the spherical rod-end to the actuator rod. Use of the incorrect locking device could allow the spherical rod-end to disconnect from the actuator rod and consequently the landing gear could collapse. This AD requires you to do a one time inspection of the landing gear actuators and, if an incorrect locking device is found, replace it with the correct locking device.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Reims Aviation S.A. has issued REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 2005. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

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

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 7 products of U.S. registry. We also estimate that it would take about 5 work-hours per product to comply with the proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $20 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $2,940, or $420 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Reims Aviation S.A.: Docket No. FAA–2006–26693; Directorate Identifier 2006–CE–90–AD.

Comments Due Date

(a) We must receive comments by February 7, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to F406 airplanes, all serial numbers, certificated in any category.

Reason

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

This AD is issued following a nose landing gear collapse during takeoff roll. Several expertises proved that the locking device of the Nose Landing Gear (NLG) actuator rod was on several F406 airplanes not conforming with the installation approved by the manufacturer.

As Main Landing Gear (MLG) actuator rod locking devices are similar to the NLG ones, then MLG actuator locking devices shall also be inspected.

This AD requires inspection of the NLG and MLG locking devices and as requested their replacement to comply with the manufacturer's approved design.

There were two different landing gear actuator designs installed on the F406 airplanes. The actuators used different locking devices to retain the spherical rod-end to the actuator rod. Use of the incorrect locking device could allow the spherical rod-end to disconnect from the actuator rod and consequently the landing gear could collapse. This AD requires you to do a one time inspection of the landing gear actuators and, if an incorrect locking device is found, replace it with the correct locking device.

Actions and Compliance

(e) Unless already done, do the following actions:

(1) Within 3 months or 100 hours time-in-service (TIS) after the effective date of this AD, whichever occurs first:

(i) *For airplanes with Teijin Seiki Nose Landing Gear (NLG) P/N 9910139–9:* inspect the NLG for conformity with the key lock system installation description in Figure 1 of the REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 2005;

(ii) *For airplanes with Cessna NLG P/N 9910139–9:* inspect the NLG for conformity with the key lock system installation description in Figure 2 of the REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 2005;

(iii) *For airplanes with Teijin Seiki Main Landing Gear (MLG) P/N 9910136–8:* inspect

the MLG for conformity with the key lock system installation description in Figure 3 of the REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 2005;

(iv) *For airplanes with Cessna MLG P/N 9910136–8:* inspect the MLG for conformity with the key lock system installation description in Figure 4 of the REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 2005;

(2) *For all airplanes:* prior to further flight after any inspection from (e)(1) of this AD where the key lock system does not conform to the appropriate installation description, install a key lock system that conforms to the appropriate installation description.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Staff, FAA, ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(g) Refer to MCAI Direction Générale de L'Aviation Civile AD No. F–2005–065, dated April 27, 2005, and REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 2005, for related information.

Issued in Kansas City, Missouri, on December 29, 2006.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–50 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26495; Directorate Identifier 2006–CE–80–AD]

RIN 2120–AA64

Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by Apex Aircraft and Avions Pierre Robin) Model R2160 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

development of the New Zealand produced Alpha 160A aircraft identified an issue with the fuel shut-off valve, where it may not be possible to switch the valve ON once the valve has been placed in the OFF position. This is due to friction in the shut-off system. The fuel shut-off valve, which is normally ON, is a safety feature to allow the pilot to stop fuel flow to the engine in an emergency situation such as a forced landing without power. The fuel shut-off control is guarded and requires a deliberate action by the pilot to operate. Not withstanding this, a hazardous situation is possible if the fuel shut-off valve is inadvertently switched OFF in flight and the pilot is not able to switch it back ON.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by February 7, 2007.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–26495; Directorate Identifier 2006–CE–80–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://*

dms.dot.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The Civil Aviation Authority of New Zealand, which is the airworthiness authority for New Zealand, has issued AD DCA/R2000/39 dated August 31, 2006, to correct an unsafe condition for the specified products. The MCAI states that:

development of the New Zealand produced Alpha 160A aircraft identified an issue with the fuel shut-off valve, where it may not be possible to switch the valve ON once the valve has been placed in the OFF position. This is due to friction in the shut-off system. The fuel shut-off valve, which is normally ON, is a safety feature to allow the pilot to stop fuel flow to the engine in an emergency situation such as a forced landing without power. The fuel shut-off control is guarded and requires a deliberate action by the pilot to operate. Not withstanding this, a hazardous situation is possible if the fuel shut-off valve is inadvertently switched OFF in flight and the pilot is not able to switch it back ON.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Alpha Aviation has issued Service Bulletin AA–SB–28–002, dated June 28, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

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

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 10 products of U.S. registry. We also estimate that it would take about 3 work-hours per product to comply with the proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $300 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $5,400, or $540 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Alpha Aviation Design Limited (Type Certificate No. A–48EU Previously Held by Apex Aircraft and Avions Pierre Robin): Docket No. FAA–2006–26495; Directorate Identifier 2006–CE–80–AD.

Comments Due Date

(a) We must receive comments by February 7, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model R2160 airplanes, serial numbers 001 through 191, certificated in any category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states that:

development of the New Zealand produced Alpha 160A aircraft identified an issue with the fuel shut-off valve, where it may not be possible to switch the valve ON once the valve has been placed in the OFF position. This is due to friction in the shut-off system. The fuel shut-off valve, which is normally ON, is a safety feature to allow the pilot to stop fuel flow to the engine in an emergency situation such as a forced landing without power. The fuel shut-off control is guarded and requires a deliberate action by the pilot to operate. Not withstanding this, a hazardous situation is possible if the fuel shut-off valve is inadvertently switched OFF

in flight and the pilot is not able to switch it back ON.

Actions and Compliance

(e) Unless already done, do the following actions:

(1) To prevent the shut-off valve from remaining partially closed when the selector is turned to the ON position, due to the possibility of excess friction in the fuel shut-off valve causing deflection of the push pull cable, accomplish the inspection and rework instructions in Alpha Aviation Service Bulletin (SB) No. AA–SB–28–2002, dated June 28, 2006, within 25 hours time-in-service (TIS) after the effective date of this AD.

(2) If the fuel shut-off valve cable is bent, replace the cable per SB No. AA–SB–28–2002, before further flight.

(3) If the force required to operate the fuel shut-off valve exceeds the limits specified in SB No. AA–SB–28–002, dated June 28, 2006, rework or replace the valve as required, per SB No. AA–SB–28–002, dated June 28, 2006, before further flight.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(g) Refer to MCAI Airworthiness Authority of New Zealand AD DCA/R2000/39, dated August 31, 2006, and Alpha Aviation Service Bulletin AA–SB–28–002, dated June 28, 2006 for related information.

Issued in Kansas City, Missouri, on December 28, 2006.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–48 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26491; Directorate Identifier 2006–CE–76–AD]

RIN 2120–AA64

Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by Apex Aircraft and Avions Pierre Robin) Model R2160 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86. Replace leaking Type 1 fuel line fittings with Type 2 fittings, per SB No. 86, before further flight.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by February 7, 2007.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–26491; Directorate Identifier 2006–CE–76–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Civil Aviation Authority of New Zealand, which is the airworthiness

authority for New Zealand, has issued AD DCA/R2000/12, dated June 29, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86. Replace leaking Type 1 fuel line fittings with Type 2 fittings, per SB No. 86, before further flight.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Avions Pierre Robin (current type certificate responsibility with Alpha Aviation Design Limited) has issued Avions Pierre Robin Service Bulletin No. 86, dated July 30, 1980. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

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

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 10 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $100 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $1,800, or $180 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by Apex Aircraft and Avions Pierre Robin): Docket No. FAA–2006–26491; Directorate Identifier 2006–CE–76–AD

Comments Due Date

(a) We must receive comments by February 7, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model R2160 airplanes, serial numbers 001 through 191, certificated in any category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states Type 1 fuel line fitting can leak causing a fire hazard.

Actions and Compliance

(e) Unless already done, do the following actions:

(1) Within the next 25 hours time-in-service after the effective date of this AD, inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin No. 86 dated July, 1980, and

(2) Replace leaking Type 1 fuel line fittings with Type 2 fittings, per Avions Pierre Robin Service SB No. 86 dated July, 1980, before further flight.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(g) Refer to MCAI Airworthiness Authority of New Zealand AD DCA/R2000/12, dated June 29, 2006, and Avions Pierre Robin Service Bulletin 86, dated July 30, 1980, for related information.

Issued in Kansas City, Missouri, on December 28, 2006.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–49 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26598; Directorate Identifier 2006–CE–87–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Models EMB–110P1 and EMB–110P2 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

It has been found cases of corrosion at regions of Wings-to-Fuselage attachments, Vertical Stabilizer to Fuselage attachments, Rib 1 Half-wing and Passenger Seat Tracks. Such corrosion may lead to subsequent fatigue cracking of the parts affected, reducing the aircraft structural integrity, which may in turn lead to structural failure and/or loss of some control surface.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by February 7, 2007.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone (816) 329–4146; fax (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–26598; Directorate Identifier 2006–CE–87–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The National Agency of Civil Aviation (ANAC), which is the aviation authority for Brazil, has issued AD No.: 2006–10–01, dated October 25, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

It has been found cases of corrosion at regions of Wings-to-Fuselage attachments, Vertical Stabilizer to Fuselage attachments, Rib 1 Half-wing and Passenger Seat Tracks. Such corrosion may lead to subsequent fatigue cracking of the parts affected, reducing the aircraft structural integrity, which may in turn lead to structural failure and/or loss of some control surface.

You may obtain further information by examining the MCAI in the AD docket.

The MCAI requires:

Inspection for corrosion at regions of Wings-to Fuselage attachments, Vertical Stabilizer to Fuselage attachments, Rib 1 Half-wing and Passenger Seat Tracks; and if applicable, removal of the detected corrosion.

Relevant Service Information

Embraer—Empresa Brasileira de Aeronáutica S.A. (EMBRAER) has issued Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation

in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

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

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 42 products of U.S. registry. We also estimate that it would take about 942 work-hours per product to comply with the proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $3,165,120 or $75,360 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Empresa Brasileira de Aeronáutica S.A. (EMBRAER): Docket No. FAA–2006–26598; Directorate Identifier 2006–CE–87–AD.

Comments Due Date

(a) We must receive comments by February 7, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Models EMB–110P1 and EMB–P2 airplanes, all serial numbers, certificated in any category.

Reason

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

It has been found cases of corrosion at regions of Wings-to-Fuselage attachments, Vertical Stabilizer to Fuselage attachments, Rib 1 Half-wing and Passenger Seat Tracks. Such corrosion may lead to subsequent fatigue cracking of the parts affected, reducing the aircraft structural integrity, which may in turn lead to structural failure and/or loss of some control surface.

Actions and Compliance

(e) Unless already done, do the following actions.

(1) Within the next 30 days or 100 hours time-in-service after the effective date of this AD, whichever occurs first, carry out a general visual inspection (GVI) for corrosion at the regions of the Wings-to-fuselage attachments, Vertical Stabilizer to Fuselage attachments, Rib 1 Half-wing, and Passenger Seat Tracks, according to Parts I, II, and III of the Embraer—Empresa Brasileira de Aeronautica S.A. (EMBRAER) Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006.

(i) All structures found corroded or cracked as a result of the inspections conducted above, must be addressed prior to further flight in accordance with detailed instructions and procedures described in EMBRAER Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006.

(ii) Previous accomplishment of the EMBRAER Alert Service Bulletin S.B. No.: 110–00–A007, dated March 6, 2006, or the implementation of the tasks above, required by section VI of the Maintenance Planning Guides TP 110P2/145, PM 110/652, or PM 110/165, are considered acceptable methods of compliance with the requirements of (e)(1) of this AD.

(2) Within the next 30 days after the effective date of this AD, accomplish Part IV of the EMBRAER Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006. All structures found corroded or cracked as a result of the inspections conducted above, must be addressed prior to further flight in accordance with detailed instructions and procedures described in EMBRAER Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006.

(3) Within the next 12 months after the effective date of this AD, accomplish Part V of the EMBRAER Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006. All structures found corroded or cracked as a result of the inspections conducted above, must be addressed prior to further flight in accordance with detailed instructions and procedures described in EMBRAER Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006.

Note 1: For the purpose of this AD a GVI is: ''A visual examination of an interior or exterior area, installation or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance, unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light; and may require removal or opening of

access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Staff, FAA, ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(g) Refer to MCAI National Agency of Civil Aviation (ANAC) AD No.: 2006–10–01, dated October 25, 2006, EMBRAER Service Bulletin S.B. No.: 110–00–0007, dated May 10, 2006, and EMBRAER Alert Service Bulletin S.B. No.: 110–00–A007, dated March 6, 2006 for related information.

Issued in Kansas City, Missouri, on December 28, 2006.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–51 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[File No. S7–03–04]

RIN 3235–AJ62

Investment Company Governance

AGENCY: Securities and Exchange Commission.

ACTION: Notice of comment deadline.

On December 21, 2006, the Commission published a document in the **Federal Register** reopening the comment period on its June 2006 request for comment regarding amendments to investment company governance provisions (''Request for Additional Comment'') (Investment Company Release No. 27600 (Dec. 15, 2006) [71 FR 76618 (Dec. 21, 2006) (FR Doc. No. E6–21903)]). The purpose of the additional comment period is to permit public comment on two papers prepared by the Office of Economic Analysis on this topic. The Request for Additional Comment stated that comments must be received on or before 60 days after publication of the second of the two staff economic papers in the public comment file. The second of these papers was published in the public comment file on December 29, 2006, and both papers are available on the Commission's Internet Web site (*http://www.sec.gov/rules/proposed/s70304/oeamemo122906-powerstudy.pdf*; *http://www.sec.gov/rules/proposed/s70304/oeamemo122906-litreview.pdf*).

Comments must be received on or before March 2, 2007.

Dated: December 29, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E7–13 Filed 1–5–07; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 061121303–6301–01]

RIN 0625–AA73

Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures; Proposed Rule

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Proposed Rule; request for Comments.

SUMMARY: The Department of Commerce (''the Department'') proposes to amend its regulations in antidumping (''AD'') and countervailing duty (''CVD'') proceedings governing information submitted to the Department and administrative protective orders in order to improve the Department's procedures and provide clarification to some aspects of the Department's regulations. Specifically, the Department proposes to amend its regulations as follows: To reflect a transfer in the function of receiving submissions filed in AD/CVD proceedings from the Central Records Unit to the Administrative Protective Order (''APO'') Unit, and to change the name of the APO Unit to APO/Dockets Unit; to reflect a transfer in the function of maintaining public service lists from the Central Records Unit to the APO/Dockets Unit; to update the definition of ''Customs Service'' to reflect the reorganization of the Executive Branch; to clarify that documents filed with the Department will only be time stamped when appropriate, for example, when an interested party submits a request for treatment as a voluntary respondent; to clarify when an APO will be placed on the record with respect to new shipper reviews, applications for scope rulings and changed circumstances reviews; to clarify when a party must serve business proprietary information already on the administrative record to new authorized applicants to the APO; to require a formal letter of appearance to request placement on the service list of any segment of an AD/CVD proceeding; and to clarify when a party is to be considered an ''interested party'' for the purposes of the APO. Finally, the Department proposes amending its short form application for an APO (Form ITA–367).

DATES: To be assured of consideration, written comments must be received no later than February 28, 2007.

ADDRESSES: Submit comments to David M. Spooner, Assistant Secretary for Import Administration, U.S. Department of Commerce, Central Records Unit, Room 1870, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230; Attention: APO Regulations.

FOR FURTHER INFORMATION CONTACT: Ann Sebastian at (202) 482–3354 or William Kovatch at (202) 482–5052.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 777(c)(1)(A) of the Tariff Act of 1930, as amended (''the Act'') (19 U.S.C. 1677f(c)(1)(A)), the Department must make available to interested parties, under an APO, all business proprietary information submitted to it during the course of an antidumping or countervailing duty proceeding. Section 777(c)(1)(B) of the Act authorizes the Department to issue regulations governing the APO process. The Department's current regulations are codified at 19 CFR Part 351.

The Department last amended its APO regulations in 1998 (*see* 63 FR 24391). The Department is always interested in reviewing its APO procedures and improving them through its regulations. Since the adoption of regulations in

1998, the Department has gained insight into how its APO procedures work in practice. The Department believes that it is appropriate to propose improvements to those procedures and provide clarification to them where necessary. Such clarifications include not only amendments to the regulations, but also amendments to the short form application for APO access (Form ITA–367).

In addition, since the publication of the 1998 APO regulations, the Department has transferred the function of receiving submissions from parties in antidumping and countervailing duty proceedings from Import Administration's Central Records Unit to the APO Unit. The Department therefore is amending the regulations to reflect this change.

Explanation of Particular Provisions

Section 351.102(b). Definitions. Definition of ''Customs Service'' and ''Interested party.''

Section 351.102(b) defines terms that appear in the Act but are not defined in the Act, defines terms that appear in the Department's regulations but do not appear in the Act, and elaborates on the meaning of certain terms that are defined in the Act. Currently, this section of the regulations contains a list of terms in alphabetical order. The terms themselves are not sequentially numbered. For administrative purposes, the Department proposes setting forth the terms defined in section 351.102(b) in sequentially numbered paragraphs. Specifically, as discussed below, numbering the terms will allow the Department to administer the APO function in a more precise manner. Sequentially numbering the terms defined in section 351.102(b) creates no additional requirements on parties appearing before the Department.

Section 351.102(b) currently defines ''Customs Service'' as ''the United States Customs Service of the United States Department of the Treasury.'' Since the publication of the regulations, the Customs Service has been transferred to the U.S. Department of Homeland Security and renamed U.S. Customs and Border Protection. The Department therefore proposes amending this definition of ''Customs Service'' to reflect this change.

Section 351.102(b) currently does not contain a definition for the term ''interested party.'' This has created some confusion and difficulty in processing APO applications. Form ITA–367, the APO application, requires the applicant to disclose the interested party status of the party the applicant represents. The current version of the form allows the applicant to check ''petitioner,'' ''respondent,'' or ''other.'' If the applicant checks ''other,'' the form requires the applicant to identify the section of the Department's regulations that defines the party's interested party status.

The Department's experience with this version of Form ITA–367 is that the provision of the broad category ''other'' has led to some confusion. First, as stated above, the term ''interested party'' is not currently defined by the regulations. In addition, the Department, and other parties to the proceeding, have had difficulty in determining whether a party identifying itself as ''other'' qualifies as an importer of subject merchandise or one of the other categories of interested parties as defined by statute. This has led to difficulties in confirming the status of a party as an interested party as defined by the Act.

The Department proposes amending section 351.102(b), by including the definition of ''interested party.'' This definition does not differ from the definition of ''interested party'' as stated in section 771(9) of the Act, except that an importer of subject merchandise is defined in a different subparagraph from a manufacturer, producer and exporter of the subject merchandise. Defining ''importer'' in its own subparagraph is necessary to permit Department officials to readily identify when an applicant for APO access is an importer. Should this amendment be adopted, applicants would be required to indicate on Form ITA–367 the precise subparagraph of section 351.102(b) that applies to the party the applicant represents.

Sections 351.103(a), 351.103(b), 351.103(c), 351.103(d), and 351.303(b). Location and Functions of the Central Records Unit and the APO Unit, Filing Documents, and Service Lists

Sections 351.103(a), 351.103(b), 351.103(c), and 351.103(d) discuss the functions of Import Administration's Central Records Unit and APO Unit. Since the publication of the regulations, the Department has transferred the function of receiving submissions in antidumping and countervailing duty proceedings (*i.e.*, the docket function) from the Central Record Unit to the APO Unit. The Department proposes amending these sections to reflect this change, and to change the name of the APO Unit to the APO/Dockets Unit.

Currently, section 351.103(b) provides that a document is not considered to be officially received by the Department unless it is stamped with the date and time of receipt. Upon review, the Department no longer believes that it is necessary to time-stamp every document submitted. In most instances, to be considered filed in a timely manner, a document need only be submitted by the close of business on the due date. Date stamping a document in such instance would be sufficient to establish that the document was submitted in a timely fashion. There are, however, a few instances where it is necessary to time-stamp a document to establish timeliness. In some instances, the Department may establish a time other than the close of business as the deadline for the submission. In other instances, such as when the Department exercises its discretion to accept voluntary respondents, it is necessary to establish the order in which the Department receives requests to be treated as a voluntary respondent. The Department proposes amending the regulations to remove the general requirement that all documents be time-stamped, and clarify that a document will only be time-stamped where necessary. Department officials and the APO/Dockets Unit will continue to coordinate with each other to determine whether it is necessary for a document to be time-stamped, and to communicate such necessity with interested parties. This proposed changed will not affect the filing requirements on outside parties, and only addresses internal Department procedure.

The Department also proposes amending the regulations to require an interested party to file a letter of appearance to request placement on the service lists of any segment of a proceeding. The letter of appearance should be a filing, separate from other filings, identifying the name of the interested party, how that party qualifies as an interested party, and the name of the firm representing that interested party if appropriate. If the interested party is a coalition or association as defined in sections 771(9)(A), (*E*), (*F*) or (G) of the Act, the letter of appearance must identify all members of the coalition or association. Because the letter of appearance includes factual information (*i.e.*, the name of the interested party, how the party qualifies as an interested party), the certification requirements of section 351.303(g) would apply. Requiring the letter of appearance to be a separate document will help ensure that Department officials update the public service list when a party begins participating in an administrative proceeding. Currently, many parties already file a letter of appearance when

they are participating in an administrative proceeding before the Department. Therefore, the burden on the public would be minimal.

Section 351.303(b) of the Department's regulations provide instructions on how to address and submit documents to the Secretary for consideration in an antidumping or countervailing duty proceeding. Currently, the regulations require that submissions be addressed to the Central Records Unit and provides the room number. As stated above, the function of receiving submissions has been transferred to the APO/Dockets Unit. Accordingly, the Department proposes amending section 351.303(b) to reflect the transfer in function to the APO/Dockets Unit.

Section 351.204(d). Requests for Treatment as a Voluntary Respondent

As provided in section 351.204(d) of the Department's regulations, if the Department limits the number of exporters or producers individually examined under section 777A(c)(2) or section 777A(e)(2)(A) of the Act, the Department will examine voluntary respondents in accordance with section 782(a) of the Act. In order to be able to clearly identify voluntary respondents, and discern the order in which requests for voluntary respondent treatment have been submitted, the Department proposes to require an interested party seeking voluntary respondent treatment to indicate its request clearly on the first page of the first submission. This will alert the APO/Dockets Unit to the fact that the submission should be time stamped.

This requirement of placing the words ''Request for Voluntary Respondent Treatment'' in the title of the first page of the first submission will not create any undue burden on interested parties.

Section 351.305(a). Placing APOs on the Record in New Shipper Reviews, Applications for Scope Rulings, and Changed Circumstances Reviews

Under section 351.305(a) of the current regulations, the Department places an APO on the record of a segment of a proceeding within two days of the filing of a new petition or an initiation of an investigation on the Department's own initiative and within five days after the initiation of any segment other than an investigation. The Department proposes clarifying that the reference to ''days'' in this section of the regulations refers to business days.

With respect to new shipper reviews, an exporter or producer must first submit a request with certain certifications and documentation detailed in section 351.214(b)(2) of the Department's regulations. The Department decides whether to initiate a new shipper review by evaluating the certifications and other documentation submitted along with the request. At times, this evaluation includes the analysis of business proprietary information. Interested parties may wish to comment on this information before the Department decides whether to initiate the new shipper review. However, interested parties may only gain access to the business proprietary information under an APO. Under the current regulations, the Department does not issue an APO until after the new shipper review has been initiated. Therefore, to allow interested parties to have access to business proprietary information relevant to the potential initiation of a new shipper review, the Department proposes to amend its regulations by indicating that an APO will be placed on the record within five business days of the filing of a request for a new shipper review.

Similarly, section 351.225(c) of the Department's regulations permits an interested party to request a ruling as to whether a particular product is within the scope of an order or a suspended investigation. If the Secretary can make this determination based solely on the information contained in the application and the description of the merchandise contained in the original petition, the initial investigation, and the prior determinations of the Secretary and the International Trade Commission, then the Secretary will issue a final ruling without requesting further information. During this evaluation, the Secretary may be required to analyze business proprietary information submitted by the applicant, and interested parties may wish to comment on this information. However, like new shipper reviews, under the current regulations the Department issues the APO after the initiation of a scope inquiry. Under section 351.225(e), the Secretary will only initiate a scope inquiry if more information is required than that submitted with the application. To permit parties to have access to business proprietary information and comment on that information before the initiation of a scope inquiry, the Department proposes to amend its regulations by indicating that an APO will be placed on the record within five business days of the filing of an application for a scope ruling.

Finally, section 351.216(b) states that the Department will determine whether to initiate a changed circumstances review within forty-five days after the date on which a request is filed. The Department may also self-initiate a changed circumstances review. The request for the initiation of a changed circumstances review may contain business proprietary information. Under the current regulations, the Department issues an APO only after initiating a changed circumstances review. Because interested parties may wish to have access to the business proprietary information and to comment on this information before the initiation of a changed circumstances review, we propose amending section 351.305(a) to place an APO on the record within five business days of the filing of a changed circumstances request or the self-initiation of a changed circumstances review by the Department.

Section 351.305(b). Service Requirement of Documents Already on the Administrative Record to New Authorized Applicants

Prior to the adoption of the current regulations in 1998, when a party had already submitted business proprietary information to the Department and a new party applied for access to business proprietary information subject to APO, the Department required the first party to serve that information on the new party within two days of the Secretary's granting of access. The Department inadvertently deleted this requirement from the regulations adopted in 1998. We propose amending section 351.305(b) to restore the requirement that business proprietary information already on the administrative record be served on a party filing a timely application for access to business proprietary information under the APO within two business days of the approval of that application. The Department does not anticipate that this proposed requirement will increase any burden or cause undue hardship. In practice, parties have been serving information on a new party within two business days of that party's approval as an authorized applicant despite the absence of any regulatory requirement.

In addition, the current regulations state that in order to minimize any disruption caused by late applications, a party should file its APO application before the first response to a questionnaire has been submitted. Section 351.305(b)(3) of the current regulations indicates that all parties who have already submitted business proprietary information to the administrative record must serve that information on the new authorized applicant within five days of the approval of the application. This five-

day time period was meant to apply when the application was filed after the submission of the first questionnaire response, as opposed to the two-day time period proposed above, which is meant to apply to parties who apply for APO access before the submission of the first questionnaire response. The Department proposes amending this regulation to clarify that the five-day time period only applies when the authorized applicant has filed its application for APO access after the submission of the first response to a questionnaire.

As stated, many parties already adhere to this practice. The regulations already contain a service requirement. This proposal merely addresses the timing of that service.

Section 351.305(d). Additional Documentation Required for Importers

As discussed above, the Department and other interested parties have had difficulty in identifying whether a party who identifies itself as ''other'' on Form ITA–367 is an importer of the subject merchandise. Given the sensitive nature of the business proprietary information submitted to the Department, it is imperative that the Department be able to confirm that a party applying for APO access is indeed an ''interested party'' as defined by the Act. The Department proposes to require parties claiming to be importers of the subject merchandise to submit documentary evidence confirming their status as importers. The Department's preferred evidence is a copy of the Customs Form 7501 demonstrating that the party imported subject merchandise during the relevant period of investigation or period of review.

The Department recognizes that some segments do not necessarily involve a specific time period, such as a changed circumstances review or a scope inquiry. In such circumstances, where a representative of an importer of subject merchandise desires to apply for APO access, the importer need only show that it imported subject merchandise at some time since the beginning of the original period of investigation. Thus, the Department intends that in changed circumstances reviews and scope inquiries, it will only require that the importer submit documentary evidence, such as a Customs Form 7501, demonstrating that the party imported subject merchandise at any time since the beginning of the original period of investigation.

In other instances, such as where a party requests a scope ruling on a particular product it intends to import, a Customs Form 7501 may not be available. In such circumstances, the interested party may satisfy the proposed requirement by submitting any other credible documentary evidence demonstrating its intention to import the product subject to the scope inquiry.

Form ITA–367, Short Form Application for APO

Form ITA–367 requires the applicant to identify the specific segment of the proceeding covered by the APO. Applicants in a new shipper review currently check the box next to ''other,'' identifying the segment and citing the **Federal Register** notice wherein the Department initiated the proceeding. The Department can initiate separate new shipper reviews on the same day, however, covering the same merchandise and the same period of review but a different exporter or producer. For this reason, typically, new shipper reviews are identified based on the name of the exporter or producer being reviewed. In order to provide further clarity, the Department proposes amending Form ITA–367 to provide for an option to check ''new shipper review'' and specifically identify the name of the exporter/producer that is covered by the new shipper review.

With respect to scope inquiries, there may be several scope inquiries during the existence of an order. Therefore, in order to provide further clarity, the Department proposes amending Form ITA–367 to specifically identify the product that is covered by the scope review.

In the case of changed circumstances reviews, such a review may not necessarily be tied to a specific period of review. Thus, in order to provide further clarity, the Department proposes amending Form ITA–367 to provide for an option to check ''changed circumstances review'' and require the applicant to identify the date on which the request for a changed circumstances review was filed.

To allow the Department to identify when an interested party applying for APO access is an importer, the Department proposes amending Form ITA–367 to require the applicant to identify the specific subsection of the Department's regulations that define its status as an interested party. This proposed amendment to Form ITA–367 correlates to the proposed changes to the regulations as set forth in this notice.

Section 351.305(c) states that the Secretary will provide, by the most expeditious means available, the APO service list to parties to the proceeding on the day the service list is issued or amended. The application is also being expanded to identify the ''Lead Applicant,'' and to request an e-mail address for the receipt of service lists in order to ensure timely notice of the issuance or amendment of the service list.

The Department would like to take this opportunity to remind those who practice before it, that the entire Form ITA–367 must be submitted to the Department in order to gain access to business proprietary information under the APO. If any portion of the form is not applicable, the applicant should so indicate on the form itself, and submit the entire application form to the Department. Form ITA–367 is available on the Department's Web site at *http://ia.ita.doc.gov/apo/index.html* and may be reproduced using the applicant's word processor. The format of the application under items 8 and 9 must be exactly as provided in the printed form, with no deviation. The exact format under items 8 and 9 may be repeated to include additional applicants, as required (*e.g.*, (2), (3), (4), etc.). Each applicant must sign and date the application in their own hand.

The Department would also like to remind authorized applicants that an acknowledgment for support staff is a requirement under item 2 of the APO. Failure by a firm to maintain an acknowledgment for support staff for each segment of each proceeding when APO access has been granted would be a violation of the APOs. Support staff do not apply separately for APO access, but they are required to sign the acknowledgment maintained by the firm.

Comments—Deadline, Format, Number of Copies

The deadline for the submission of comments is February 28, 2007. The Department will consider all comments received before the close of the comment period. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured.

Parties wishing to comment should submit a signed original and two copies of each set of comments, including reasons for any recommendations. To help simplify the processing and distribution of comments, the Department requests that a submission in electronic form accompany the required paper copies. Comments filed in electronic form should be on CD–ROM in either WordPerfect format or a format that the WordPerfect program can convert into WordPerfect.

The Department will not accept comments accompanied by a request

that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in connection with this request for comment.

Comments received on CD–ROM will be made available to the public on the Web at the following address: *http://ia.ita.doc.gov/*. In addition, upon request, the Department will make comments filed in electronic form available to the public on CD–ROMs (at cost) with specific instructions for accessing compressed data (if necessary). Any questions concerning file formatting, document conversion, access on the Web, or other electronic filing issues should be addressed to Andrew Lee Beller, IA Webmaster, at (202) 482–0866 or via e-mail at *webmaster-support@ita.doc.gov.*

Classification

E.O. 12866

It has been determined that this notice is not significant for purposes of E.O. 12866.

Regulatory Flexibility Act

The Chief Counsel for Regulation at the Department certified to the Chief Counsel for Advocacy, Small Business Administration that this rule, if promulgated, would not have a significant economic impact on a substantial number of small entities.

The Department proposes to amend its regulations in antidumping (''AD'') and countervailing duty (''CVD'') proceedings governing information submitted to the Department and administrative protective orders in order to improve the Department's procedures and provide clarification to some aspects of the Department's regulations. Specifically, the Department proposes to amend its regulations as follows: (1) To reflect a transfer in the function of receiving submissions filed in AD/CVD proceedings from the Central Records Unit to the Administrative Protective Order (''APO'') Unit, and to change the name of the APO Unit to APO/Dockets Unit; (2) to reflect a transfer in the function of maintaining public service lists from the Central Records Unit to the APO/Dockets Unit; (3) to update the definition of ''Customs Service'' to reflect the reorganization of the Executive Branch; (4) to clarify that documents filed with the Department will only be time stamped when appropriate, for example, when an interested party submits a request for treatment as a voluntary respondent; (5) to clarify when an APO will be placed on the record with respect to new shipper reviews, applications for scope rulings and changed circumstances reviews; (6) to clarify when a party must serve business proprietary information already on the administrative record to new authorized applicants to the APO; (7) to require a formal letter of appearance to request being placed on the service list of any segment of an AD/CVD proceeding; and (8) to clarify when a party is to be considered an ''interested party'' for the purposes of the APO. Finally, the Department proposes amending its short form application for an APO (Form ITA–367).

The Department is unable to estimate the number of small entities that will be affected by this rule, as the Department does not collect this information. However, there is the possibility that this rule would impact some number of small entities. Although the number of small entities that may be impacted is unknown, this rule would not impose a significant economic impact.

If implemented, this rule is not expected to impose a significant economic impact on the affected entities. Most of the amendments are procedural in nature and would not impose any new requirements or result in a significant compliance cost. The proposed requirement to submit a formal letter of appearance to request being placed on the service list of any segment of an AD/CVD proceeding; the proposed amendment to require an importer to submit documentary evidence of its status as an importer; and the proposed amendment to its short form application for an APO (Form ITA–367) may result in a slight increase in recordkeeping and reporting burden hours. ITA anticipates that these requirements would result in $80 or 4 additional burden hours per respondent. Although this proposed rule may impact a substantive number of small entities, the cost to these entities would be minimal. For this reason, the Chief Counsel for Regulation at the Department of Commerce certified that this rule would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3501 et seq.).

E.O. 12612

This proposed rule does not contain federalism implications warranting the preparation of a Federalism Assessment.

List of Subjects in 19 CFR Part 351

Administrative practice and procedure, Antidumping, Business and industry, Cheese, Confidential business information, Countervailing duties, Freedom of information, Investigations, Reporting and recordkeeping requirements.

Dated: December 27, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary, for Import Administration.

For the reasons stated, it is proposed that 19 CFR Ch. III be amended as follows:

PART 351—ANTIDUMPING AND COUNTERVAILING DUTIES

1. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.*; and 19 U.S.C. 3538.

2. Section 351.102 is revised as follows:

§ 351.102 Definitions.

(a) *Introduction.* The Act contains many technical terms applicable to antidumping and countervailing duty proceedings. In the case of terms that are not defined in this section or other sections of this part, readers should refer to the relevant provisions of the Act. This section:

(1) Defines terms that appear in the Act but are not defined in the Act;

(2) Defines terms that appear in this Part but do not appear in the Act; and

(3) Elaborates on the meaning of certain terms that are defined in the Act.

(b) *Definitions.*

(1) *Act.* ''Act'' means the Tariff Act of 1930, as amended.

(2) *Administrative review.* ''Administrative review'' means a review under section 751(a)(1) of the Act.

(3) *Affiliated persons; affiliated parties.* ''Affiliated persons'' and ''affiliated parties'' have the same meaning as in section 771(33) of the Act. In determining whether control over another person exists, within the meaning of section 771(33) of the Act, the Secretary will consider the following factors, among others: corporate or family groupings; franchise or joint venture agreements; debt financing; and close supplier relationships. The Secretary will not find that control exists on the basis of these factors unless the relationship has the potential to impact decisions concerning the production, pricing, or cost of the subject merchandise or foreign like product. The Secretary will

consider the temporal aspect of a relationship in determining whether control exists; normally, temporary circumstances will not suffice as evidence of control.

(4) *Aggregate basis.* ''Aggregate basis'' means the calculation of a country-wide subsidy rate based principally on information provided by the foreign government.

(5) *Anniversary month.* ''Anniversary month'' means the calendar month in which the anniversary of the date of publication of an order or suspension of investigation occurs.

(6) *APO.* ''APO'' means an administrative protective order described in section 777(c)(1) of the Act.

(7) *Applicant.* ''Applicant'' means a representative of an interested party that has applied for access to business proprietary information under an administrative protective order.

(8) *Article 4/Article 7 review.* ''Article 4/Article 7 review'' means a review under section 751(g)(2) of the Act.

(9) *Article 8 violation review.* ''Article 8 violation review'' means a review under section 751(g)(1) of the Act.

(10) *Authorized applicant.* ''Authorized applicant'' means an applicant that the Secretary has authorized to receive business proprietary information under an APO under section 777(c)(1) of the Act.

(11) *Changed circumstances review.* ''Changed circumstances review'' means a review under section 751(b) of the Act.

(12) *Consumed in the production process.* Inputs ''consumed in the production process'' are inputs physically incorporated, energy, fuels and oil used in the production process and catalysts which are consumed in the course of their use to obtain the product.

(13) *Cumulative indirect tax.* ''Cumulative indirect tax'' means a multi-staged tax levied where there is no mechanism for subsequent crediting of the tax if the goods or services subject to tax at one stage of production are used in a succeeding stage of production.

(14) *Customs Service.* ''Customs Service'' means the United States Customs and Border Protection of the United States Department of Homeland Security.

(15) *Department.* ''Department'' means the United States Department of Commerce.

(16) *Direct tax.* ''Direct tax'' means a tax on wages, profits, interests, rents, royalties, and all other forms of income, a tax on the ownership of real property, or a social welfare charge.

(17) *Domestic interested party.* ''Domestic interested party'' means an interested party described in subparagraph (C), (D), (E), (F), or (G) of section 771(9) of the Act.

(18) *Expedited antidumping review.* ''Expedited antidumping review'' means a review under section 736(c) of the Act.

(19) *Expedited sunset review.* ''Expedited sunset review'' means an expedited sunset review conducted by the Department where respondent interested parties provide inadequate responses to a notice of initiation under section 751(c)(3)(B) of the Act and § 351.218(e)(1)(ii).

(20) *Export insurance.* ''Export insurance'' includes, but is not limited to, insurance against increases in the cost of exported products, nonpayment by the customer, inflation, or exchange rate risks.

(21) *Factual information.* ''Factual information'' means:

(i) Initial and supplemental questionnaire responses;

(ii) Data or statements of fact in support of allegations;

(iii) Other data or statements of facts; and

(iv) Documentary evidence.

(22) *Fair value.* ''Fair value'' is a term used during an antidumping investigation, and is an estimate of normal value.

(23) *Firm.* For purposes of subpart E (Identification and Measurement of Countervailable Subsidies), ''firm'' is used to refer to the recipient of an alleged countervailable subsidy, including any individual, company, partnership, corporation, joint venture, association, organization, or other entity.

(24) *Full sunset review.* ''Full sunset review'' means a full sunset review conducted by the Department under section 751(c)(5) of the Act where both domestic interested parties and respondent interested parties provide adequate response to a notice of initiation under section 751(c)(3)(B) of the Act and § 351.218(e)(1)(i) and 351.218(e)(1)(ii).

(25) *Government-provided.* ''Government-provided'' is a shorthand expression for an act or practice that is alleged to be a countervailable subsidy. The use of the term ''government-provided'' is not intended to preclude the possibility that a government may provide a countervailable subsidy indirectly in a manner described in section 771(5)(B)(iii) of the Act (indirect financial contribution).

(26) *Import charge.* ''Import charge'' means a tariff, duty, or other fiscal charge that is levied on imports, other than an indirect tax.

(27) *Importer.* ''Importer'' means the person by whom, or for whose account, subject merchandise is imported.

(28) *Indirect tax.* ''Indirect tax'' means a sales, excise, turnover, value added, franchise, stamp, transfer, inventory, or equipment tax, a border tax, or any other tax other than a direct tax or an import charge.

(29) *Interested party.* For the purpose of submitting an application for APO access (Form ITA–367), ''Interested Party'' means:

(i) A foreign manufacturer, producer, or exporter of subject merchandise,

(ii) the United States importer of subject merchandise,

(iii) a trade or business association a majority of the members of which are producers, exporters, or importers of subject merchandise,

(iv) the government of a country in which subject merchandise is produced or manufactured or from which such merchandise is exported,

(v) a manufacturer, producer, or wholesaler in the United States of a domestic like product,

(vi) a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product,

(vii) a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States,

(viii) an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E) of section 771(9) of the Act with respect to a domestic like product, and

(ix) a coalition or trade association as described in section 771(9)(G) of the Act.

(30) *Investigation.* Under the Act and this Part, there is a distinction between an antidumping or countervailing duty investigation and a proceeding. An ''investigation'' is that segment of a proceeding that begins on the date of publication of notice of initiation of investigation and ends on the date of publication of the earliest of:

(i) Notice of termination of investigation,

(ii) Notice of rescission of investigation,

(iii) Notice of a negative determination that has the effect of terminating the proceeding, or

(iv) An order.

(31) *Loan.* ''Loan'' means a loan or other form of debt financing, such as a bond.

(32) *Long-term loan.* ''Long-term loan'' means a loan, the terms of

repayment for which are greater than one year.

(33) *New shipper review.* ''New shipper review'' means a review under section 751(a)(2) of the Act.

(34) *Order.* An ''order'' is an order issued by the Secretary under section 303, section 706, or section 736 of the Act or a finding under the Antidumping Act, 1921.

(35) *Ordinary course of trade.* ''Ordinary course of trade'' has the same meaning as in section 771(15) of the Act. The Secretary may consider sales or transactions to be outside the ordinary course of trade if the Secretary determines, based on an evaluation of all of the circumstances particular to the sales in question, that such sales or transactions have characteristics that are extraordinary for the market in question. Examples of sales that the Secretary might consider as being outside the ordinary course of trade are sales or transactions involving off-quality merchandise or merchandise produced according to unusual product specifications, merchandise sold at aberrational prices or with abnormally high profits, merchandise sold pursuant to unusual terms of sale, or merchandise sold to an affiliated party at a non-arm's length price.

(36) *Party to the proceeding.* ''Party to the proceeding'' means any interested party that actively participates, through written submissions of factual information or written argument, in a segment of a proceeding. Participation in a prior segment of a proceeding will not confer on any interested party ''party to the proceeding'' status in a subsequent segment.

(37) *Person.* ''Person'' includes any interested party as well as any other individual, enterprise, or entity, as appropriate.

(38) *Price adjustment.* ''Price adjustment'' means any change in the price charged for subject merchandise or the foreign like product, such as discounts, rebates and post-sale price adjustments, that are reflected in the purchaser's net outlay.

(39) *Prior-stage indirect tax.* ''Prior-stage indirect tax'' means an indirect tax levied on goods or services used directly or indirectly in making a product.

(40) *Proceeding.* A ''proceeding'' begins on the date of the filing of a petition under section 702(b) or section 732(b) of the Act or the publication of a notice of initiation in a self-initiated investigation under section 702(a) or section 732(a) of the Act, and ends on the date of publication of the earliest notice of:

(i) Dismissal of petition,

(ii) Rescission of initiation,

(iii) Termination of investigation,

(iv) A negative determination that has the effect of terminating the proceeding,

(v) Revocation of an order, or

(vi) Termination of a suspended investigation.

(41) *Rates.* ''Rates'' means the individual weighted-average dumping margins, the individual countervailable subsidy rates, the country-wide subsidy rate, or the all-others rate, as applicable.

(42) *Respondent interested party.* ''Respondent interested party'' means an interested party described in subparagraph (A) or (B) of section 771(9) of the Act.

(43) *Sale.* A ''sale'' includes a contract to sell and a lease that is equivalent to a sale.

(44) *Secretary.* ''Secretary'' means the Secretary of Commerce or a designee. The Secretary has delegated to the Assistant Secretary for Import Administration the authority to make determinations under title VII of the Act and this Part.

(45) *Section 753 review.* ''Section 753 review'' means a review under section 753 of the Act.

(46) *Section 762 review.* ''Section 762 review'' means a review under section 762 of the Act.

(47) *Segment of proceeding.*

(i) *In general.* An antidumping or countervailing duty proceeding consists of one or more segments. ''Segment of a proceeding'' or ''segment of the proceeding'' refers to a portion of the proceeding that is reviewable under section 516A of the Act.

(ii) *Examples.* An antidumping or countervailing duty investigation or a review of an order or suspended investigation, or a scope inquiry under § 351.225, each would constitute a segment of a proceeding.

(48) *Short-term loan.* ''Short-term loan'' means a loan, the terms of repayment for which are one year or less.

(49) *Sunset review.* ''Sunset review'' means a review under section 751(c) of the Act.

(50) *Suspension of liquidation.* ''Suspension of liquidation'' refers to a suspension of liquidation ordered by the Secretary under the authority of title VII of the Act, the provisions of this Part, or section 516a(g)(5)(C) of the Act, or by a court of the United States in a lawsuit involving action taken, or not taken, by the Secretary under title VII of the Act or the provisions of this Part.

(51) *Third country.* For purposes of subpart D, ''third country'' means a country other than the exporting country and the United States. Under section 773(a) of the Act and subpart D, in certain circumstances the Secretary may determine normal value on the basis of sales to a third country.

(52) *URAA.* ''URAA'' means the Uruguay Round Agreements Act.

3. Section 351.103 is revised as follows:

§ 351.103 Central Records Unit and Administrative Protective Order and Dockets Unit.

(a) Import Administration's Central Records Unit maintains a Public File Room in Room B–099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. The office hours of the Public File Room are between 8:30 a.m. and 5 p.m. on business days. Among other things, the Central Records Unit is responsible for maintaining an official and public record for each antidumping and countervailing duty proceeding (see § 351.104), and the Subsidies Library (see section 775(2) and section 777(a)(1) of the Act).

(b) Import Administration's Administrative Protective Order and Dockets Unit (APO/Dockets Unit) is located in Room 1870, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. The office hours of the APO/Dockets Unit are between 8:30 a.m. and 5 p.m. on business days. Among other things, the APO/Dockets Unit is responsible for receiving submissions from interested parties, issuing administrative protective orders (APOs), maintaining the APO service list and the public service list as provided for in paragraph (d) of this section, releasing business proprietary information under APO, and conducting APO violation investigations. The APO/Dockets Unit also is the contact point for questions and concerns regarding claims for business proprietary treatment of information and proper public versions of submissions under § 351.105 and § 351.304.

(c) *Filing of documents with the Department.* While persons are free to provide Department officials with courtesy copies of documents, no document will be considered as having been received by the Secretary unless it is submitted to the Import Administration's APO/Dockets Unit in Room 1870 and is stamped with the date, and where necessary the time, of receipt.

(d) *Service list.* The APO/Dockets Unit will maintain and make available a public service list for each segment of a proceeding. The service list for an application for a scope ruling is described in § 351.225(n).

(1) To be included on the public service list for a particular segment,

each interested party must file a letter of appearance. The letter of appearance must identify the name of the interested party, how that party qualifies as an interested party, and the name of the firm, if any, representing the interested party in this segment of the proceeding. The letter of appearance must be filed separately from any other document filed with the Department. If the interested party is a coalition or association as defined in subparagraph (A), (E), (F) or (G) of section 771(9) of the Act, the letter of appearance must identify all of the members of the coalition or association.

(2) Each interested party that asks to be included on the public service list for a segment of a proceeding must designate a person to receive service of documents filed in that segment.

4. Amend § 351.204 by adding paragraph (d)(4) to read as follows:

§ 351.204 Time periods and persons examined; voluntary respondents; exclusions.

* * * * *

(d) * * *

(4) *Requests for voluntary respondent treatment.* An interested party seeking treatment as a voluntary respondent must so indicate by including as a title on the first page of the first submission, ''Request for Voluntary Respondent Treatment.''

* * * * *

5. Revise paragraph (b) of section 351.303 as follows:

§ 351.303 Filing, format, translation, service, and certification of documents.

* * * * *

(b) *Where to file; time of filing.* Persons must address and submit all documents to the Secretary of Commerce, Attention: Import Administration, APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, between the hours of 8:30 a.m. and 5 p.m. on business days (see § 351.103(b)). If the applicable time limit expires on a non-business day, the Secretary will accept documents that are filed on the next business day.

* * * * *

6. Section 351.305 is amended by revising paragraphs (a) introductory text and (b)(3) and by adding paragraphs (b)(4) and (d) to read as follows:

§ 351.305 Access to business proprietary information.

(a) *The administrative protective order.* The Secretary will place an administrative protective order on the record within two business days after the day on which a petition is filed or an investigation is self-initiated, within five business days after the day on which a request for a new shipper review is properly filed in accordance with § 351.214 and § 351.303 or an application for a scope ruling is properly filed in accordance with § 351.225 and § 351.303, within five business days after the day on which a request for a changed circumstances review is properly filed in accordance with § 351.216 and § 351.303 or a changed circumstances review is self-initiated, or five business days after initiating any other segment of a proceeding. The administrative protective order will require the authorized applicant to:

* * * * *

(b) * * *

(3) With respect to proprietary information submitted to the Secretary on or before the date on which the Secretary grants access to a qualified applicant, except as provided in paragraph (b)(4) of this section, within two business days the submitting party shall serve the party which has been granted access, in accordance with paragraph (c) of this section.

(4) To minimize the disruption caused by late applications, an application should be filed before the first questionnaire response has been submitted. Where justified, however, applications may be filed up to the date on which the case briefs are due, but any applicant filing after the first questionnaire response is submitted will be liable for costs associated with the additional production and service of business proprietary information already on the record. Parties have five business days to serve their business proprietary information already on the record to a party who has filed an application after the submission of the first questionnaire response and is authorized to receive such information after such information has been placed on the record.

* * * * *

(d) *Additional filing requirements for importers.* If an applicant represents a party claiming to be an interested party by virtue of being an importer, then the applicant shall submit, along with the Form ITA–367, documentary evidence demonstrating that the party imports merchandise either subject to the antidumping or countervailing duty order, or subject to a scope inquiry.

Note: The following form will not appear in the Code of Federal Regulations.

BILLING CODE 3510–DS–P

Case Number
Segment of Proceeding
(Period of Review)
Number of Pages
Public Document

United States Department of Commerce
International Trade Administration

APPLICATION FOR ADMINISTRATIVE PROTECTIVE ORDER
in
ANTIDUMPING OR COUNTERVAILING DUTY PROCEEDING

In the Matter of the **Antidumping/Countervailing Duty (indicate one)** Proceeding on _____ _____ from_____ _____ (Country) _____ (Product)	ACCEPTED _____ REJECTED_____ DATE_____

This application covers business proprietary information in the following segment of the proceeding:

[ ] Investigation - petition filed on :_____

[ ] Administrative Review initiated on : _____ (_____ FR _____)

for period : _____ to _____

[ ] New Shipper Review, request filed on : _____

for period : _____ to _____

covering the following exporter/producer :_____

[ ] Changed Circumstances Review, request filed on : _____

[ ] Scope Inquiry, request filed on :_____

product :_____

[ ] Other_____ : _____ (_____ FR _____)
(specify)

FORM ITA-367 (10.06)

This application is:

[ ] the initial firm application to be placed on the APO service list; or

[ ] a request to amend the firm's list of authorized applicants.

REPRESENTATION

1. I am an applicant for:_____ who is an interested party/parties as follows:

   1. [ ] petitioner; [ ] respondent; [ ] other interested party, as defined in 19 C.F.R. §351.102(b)(29)(____) of the Department's regulations.

2. If the interested party/parties I represent have another authorized applicant or representative,_____ _____ is the lead firm.

REQUEST FOR INFORMATION

3. I request disclosure of all business proprietary information under administrative protective order ("APO") which will be or has been placed on the record of this segment of this proceeding that is releasable under 19 C.F.R. § 351.305 for the purpose of fully representing the interests of my client:

   [ ] all business proprietary information, including hard copy and electronic data; or

   [ ] all business proprietary information in hard copy form only.

INDIVIDUAL STATEMENTS

4. TO BE COMPLETED BY ATTORNEY APPLICANTS

   A. I **am/am not** (indicate one) an officer of the interested party or parties listed in paragraph 1, or of other competitors of the person submitting the business proprietary information requested in this application.

   B. I **do/do not** (indicate one) participate in the competitive decision-making activity of the interested party or parties listed in paragraph 1, or of other competitors of the person submitting the business proprietary information requested in this application. I understand that competitive decision-making activity includes advice on production, sales, operations, or investments, but does not include legal advice.

   C. I **do/do not** (indicate one) have an official position or other business relationship other than providing advice for the purpose of this segment of the proceeding with the interested party or parties listed in paragraph 1, or with other competitors of the person

submitting the business proprietary information requested in this application.

D. I **do/do not** (indicate one) currently intend within 12 months after the date upon which the final determination/results is/are published to enter into any of the relationships described in paragraphs 4A, B and C.

E. Explain for each applicant any affirmative response to paragraph 4A, B, C or D:

_____

_____

_____.

5. TO BE COMPLETED BY NON-ATTORNEY APPLICANTS

A. I **am/am not** (indicate one) **employed by/retained by** (indicate one) a law firm representing the interested party or parties listed in paragraph 1.

B. If I am retained by an attorney, the name of the lawyer and law firm are:

_____

_____.

C. If I am not an employee of a law firm and have not been retained by the attorney for the interested party or parties listed in paragraph 1, in a separate attachment to this application I am providing information concerning my practice before the International Trade Administration ("ITA").

D. I **am/am not** (indicate one) an officer or employee of a interested party or parties listed in paragraph 1, or of other competitors of the submitter of the business proprietary information requested in this application.

E. I **do/do not** (indicate one) participate in the competitive decision-making activity of the interested party or parties listed in paragraph 1, or of other competitors of the person submitting the business proprietary information requested in this application. I understand that competitive decision-making activity includes advice on production, sales, operations, or investments, but does not include legal advice.

F. I **do/do not** (indicate one) have an official position or other business relationship other than providing advice for the purpose of this segment of the proceeding with the interested party or parties listed in paragraph 1, or with other competitors of the person submitting the business proprietary information requested in this application.

G. I **do/do not** (indicate one) currently intend within 12 months after the date upon which

the final determination/results is/are published to enter into any of the relationships described in paragraphs 5D, E and F.

H. Explain for each applicant any affirmative response paragraph 5D, E, F or G:

_____

_____

_____.

AGREEMENT TO BE BOUND

6. Recognizing the penalties for perjury under the laws of the United States, I affirm that all statements in this application are true, accurate, and complete to the best of my knowledge. I agree, individually and on behalf of my law firm, corporate law office, or company, if any, to be bound by the terms stated in the administrative protective order issued in this segment of the proceeding.

7. I certify that this application is a *true and accurate* copy of the Department's "Application for Administrative Protective Order", FORM ITA-367 (5.98). If there are any discrepancies, I agree to be bound by the Department's standard form.

INDIVIDUAL SIGNATORIES

8. ATTORNEY APPLICANTS (**REQUIRED FORMAT**)

Individual applicants:

(1) _____, _____, _____
(name of applicant) (signature) (date)

of _____
(name and address of law firm)

_____

I am admitted to practice in the following jurisdiction(s) and before the following court(s):

_____.

9. NON-ATTORNEY APPLICANTS (**REQUIRED FORMAT**)

Individual applicants:

(1) _____, _____, _____
(name of applicant) (signature) (date)

of _____
(name and address of firm)

I am a member of the following professional association(s):

_____.

10. The "Lead Applicant" for the purposes of service is:_____.

The email address to be used for service of the APO service list is:

_____.

FORM ITA-367 (10.06)

COURTESY PAGE
FOR
WAIVER OF SERVICE

If my application for administrative protective order ("APO") in this proceeding is granted, I waive service of the following business proprietary information that I would be authorized to receive under the APO:

o

o

o

o

Inadvertent service of a document
containing business proprietary information
on a party that has been granted APO access
and has waived service
IS NOT A VIOLATION OF THE APO.

FORM ITA-367 (10.06)

[FR Doc. 06–9969 Filed 1–5–07; 8:45 am]
BILLING CODE 3510–DS–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101 and 170

[Docket No. 2002P–0122] (formerly 02P–0122)

Conventional Foods Being Marketed as ''Functional Foods''; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public hearing; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to March 5, 2007, the comment period for the notice of public hearing that appeared in the **Federal Register** of October 25, 2006 (71 FR 62400). In the notice of public hearing, FDA requested comments on how the agency should regulate conventional foods marketed as ''functional foods'' under its existing legal authority. The agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: Submit written and electronic comments by March 5, 2007.

ADDRESSES: You may submit comments, identified by Docket No. 2002P–0122, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following ways:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Agency Web site: *http://www.fda.gov/dockets/ecomments*. Follow the instructions for submitting comments on the agency Web site.

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 or the agency Web site, as described in the *Electronic Submissions* portion of this paragraph.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received may be posted without change to *http://www.fda.gov/ohrms/dockets/default.htm*, including any personal information provided. For additional information on submitting comments, see the ''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.fda.gov/ohrms/dockets/default.htm* and insert the docket number, 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: Juanita Yates, Center for Food Safety and Applied Nutrition (HFS–555), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1731.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 25, 2006, FDA published a notice of public hearing with a 72-day comment period to request comments on the regulation of conventional foods marketed as ''functional foods,'' specifically the issues and questions presented in section III of the notice (see 71 FR 62400 at 62403). Comments will inform FDA's approaches to the regulation of conventional foods marketed as ''functional foods.''

The agency has received requests for a 60-day extension of the comment period for the notice of public hearing. Each request conveyed concern that the current 72-day comment period, which closes 30 days subsequent to the public hearing held December 5, 2006, does not allow sufficient time to develop a meaningful or thoughtful response to the request for comments on the issues and questions presented in section III of the notice.

FDA has considered the requests and is extending the comment period for the notice of public hearing for 60 days, until March 5, 2007. The agency believes that a 60-day extension allows adequate time for interested persons to submit comments on the issues and questions presented in section III of the notice without significantly delaying the agency's consideration of how FDA should regulate conventional foods marketed as ''functional foods'' under its existing legal authority.

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.

Dated: December 29, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–47 Filed 1–5–07; 8:45 am]

BILLING CODE 4160–01–S

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1900

FOIA Processing Fees

AGENCY: Central Intelligence Agency.

ACTION: Proposed rule.

SUMMARY: Consistent with the Freedom of Information Act (FOIA) and Executive Order 13392, the Central Intelligence Agency (CIA) has undertaken and completed a zero-based review of its public FOIA regulations governing fees associated with the processing of FOIA requests. As a result of this review, the Agency proposes to revise its fee-related regulations to eliminate unnecessary restrictions on FOIA requesters and to consolidate all regulatory requirements regarding FOIA fees in one subsection of the Code of Federal Regulations. As required by the FOIA, the Agency is providing an opportunity for interested persons to submit comments on these proposed regulations.

DATES: Submit comments on or before February 7, 2007.

ADDRESSES: Submit comments in writing to the Chief of Information Management Services, Central Intelligence Agency, Washington, DC 20505, or by fax to 703–613–3007.

FOR FURTHER INFORMATION CONTACT: Scott A. Koch, Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505 or by telephone, 703–613–1287.

SUPPLEMENTARY INFORMATION: Consistent with the FOIA and Executive Order 13392, the CIA has undertaken and completed a zero-based review of its public FOIA regulations governing fees associated with the processing of FOIA requests. As a result of this review, the Agency proposes to revise its fee-related regulations to eliminate unnecessary

restrictions on FOIA requesters and to simplify its fee schedule. The proposed regulations remove the unnecessary restrictions on the categories of FOIA requesters that are included in the CIA's current regulations. Under the proposed regulations, the CIA would not charge any FOIA requester, regardless of fee category, for a review fee in connection with the processing of a FOIA request.

The proposed regulations would not affect any requester submitting a request from a federal, state, or local penitentiary or correctional facility. Under both current CIA regulations and the proposed CIA regulations, the CIA will continue to place any requester submitting a request from a federal, state, or local penitentiary or correctional facility in the ''All Other'' fee category and will bill them for search fees and for duplication fees (with the first two hours of search and the first one hundred pages free of charge), unless the CIA grants a fee waiver.

Under the proposed regulations, the CIA would bill any requester not submitting a request from a federal, state, or local penitentiary or correctional facility, regardless of their fee category, only for the duplication costs (with the first one hundred pages free of charge) associated with the request, unless the CIA grants a fee waiver. The CIA would not bill these requesters for any search fee in connection with the processing of their request.

The proposed regulations would establish a maximum amount the CIA could bill for search fees and a maximum amount the CIA could bill for duplication fees.

The criteria the CIA would apply to fee waiver requests would remain unchanged.

List of Subjects in 32 CFR Part 1900

Classified information, Freedom of information.

As stated in the preamble, the CIA proposes to amend 32 CFR part 1900 as follows:

PART 1900—PUBLIC ACCESS TO CIA RECORDS UNDER THE FREEDOM OF INFORMATION ACT

1. The authority citation for part 1900 is revised to read as follows:

Authority: 5 U.S.C. 552.

§ 1900.02 [Amended]

2. In § 1900.02, remove and reserve paragraphs (e) and (h).

§ 1900.12 [Amended]

3. In § 1900.12, remove and reserve paragraph (b).

§ 1900.13 [Removed]

4. Remove § 1900.13.

§ 1900.14 [Removed]

5. Remove § 1900.14.

6. Add § 1900.20 to read as follows:

§ 1900.20 Fees.

This section governs fees and fee waivers associated with Freedom of Information Act requests the CIA receives.

(a) *Categories of FOIA Requesters.*

(1) *Commercial Use Requester* means any requester who seeks information, on his or her own behalf or on the behalf of another, for a use or purpose that furthers his or her commercial, trade, or profit interests.

(2) *Non-Commercial Educational or Scientific Institution* means any requester that is professionally affiliated with either an accredited educational institution at any academic level or an institution engaged in research concerning the social, biological, or physical sciences.

(3) *Representative of the News Media* means any requester actively gathering information of current interest to the public, for an organization that is organized and operated to publish or broadcast news to the general public.

(4) *All Other Requesters* means any requester who does not fall within one of the other categories.

(b) *Required Fee Commitment.* The Agency will not accept any FOIA request unless the requester has agreed in writing to pay all applicable fees.

(1) Providing this written agreement shall not preclude a requester from seeking a fee waiver in accordance with this section.

(2) The Agency will promptly advise any requester who has purported to submit a FOIA request for information without the required written agreement of this requirement and hold the request in abeyance for thirty calendar days from the date of the Agency's notice to the requester. If the Agency has not received the required written agreement, upon expiration of the thirty calendar days, the Agency will close the case and take no further action on the FOIA request. This action does not prevent the requester from re-submitting the request with the required fee agreement at a subsequent date.

(c) *Outstanding Fees.* The Agency will not accept a FOIA request or administrative appeal from any requester who has outstanding fees for information services at any federal agency.

(d) *Requests Processed Under Both the FOIA and the Privacy Act.* The CIA will not bill for fees for any request for information processed under the provisions of the Privacy Act of 1974.

(e) *Special Services.* The CIA will bill any FOIA requester for the actual costs associated the CIA's provision of special services requested by a requester, such as certification that records are true copies or use of other than ordinary mail. The CIA will notify the requester of those costs before providing any special services.

(f) *Review Fees.* The CIA will not bill any FOIA requester for a review fee in connection with the processing of a FOIA request.

(g) *Search Fees.* Except as provided in this subsection, the CIA will not bill a FOIA requester for a search fee in connection with the processing of a FOIA request.

(1) Unless otherwise waived by the CIA in accordance with paragraph O below, the CIA will bill any requester submitting a FOIA request from a federal, state, or local penitentiary or correctional facility for search fees.

(2) Search means the process of looking for and retrieving information and records in response to a FOIA request and determining whether such information and records are responsive to that request.

(3) Search rates reflect the costs incurred by the Agency in searching for records in connection with a FOIA request, including but not limited to, the salary of the individual performing the work and the cost of operating any machinery, such as a central processing unit, needed to conduct the search. The Agency will bill requesters subject to search fees at the following rates:

Completed search time in minutes	Charge
1 through 120	Free.
121 through 150	Flat Rate: $30.00.
151 through 180	Flat Rate: $60.00.
181 through 210	Flat Rate: $90.00.
211 through 240	Flat Rate: $120.00.
241 through 270	Flat Rate: $150.00.
271 through 300	Flat Rate: $180.00.
301 through 330	Flat Rate: $210.00.
331 through 360	Flat Rate: $240.00.
Over 361	Flat Rate: $300.00.

(4) The CIA will execute its searches in the most efficient and least expensive manner reasonably possible.

(5) Unless otherwise waived by the CIA in accordance with paragraph O below, the CIA will bill requesters subject to search fees for the time spent searching even if it does not locate any responsive information, or even if any or all of the responsive information located is exempt from release.

(h) *Duplication Fees.* Unless otherwise waived by the CIA in

accordance with paragraph (o) of this section, the CIA shall bill all FOIA requesters for duplication fees.

(1) Duplication means the making of a copy of information responsive to a FOIA request and deemed releasable by the Agency. Copies may be in paper form, microform, audiovisual materials, or electronic form, among others.

(2) *Requested Form or Format of Disclosure.*

(i) The Agency will honor a requester's specified preference of form or format of disclosure only if—

(A) The Agency can readily reproduce the information in the requested form with a reasonable amount of effort; and

(B) Providing the information in the requested form is consistent with national security or other U.S. Government interests; and

(C) The requester prepays the fees billed by the Agency.

(ii) If the Agency determines that it cannot honor a requester's specified preference of form or format of disclosure, the Agency will notify the requester.

(3) Duplication rates reflect the costs incurred by the Agency in duplicating the nonexempt information responsive to a FOIA request, including the salary of the individual performing the duplication and the cost of operating duplication machinery.

(4) For the duplication in paper form, the Agency will bill at the following rates:

Number of pages released to requester	Charge
1 through 100	None.
101 through 150	Flat Rate: $25.00.
151 through 200	Flat Rate: $50.00.
201 through 250	Flat Rate: $75.00.
251 through 300	Flat Rate: $100.00.
301 through 350	Flat Rate: $125.00.
351 through 400	Flat Rate: $150.00.
401 through 450	Flat Rate: $175.00.
451 through 500	Flat Rate: $200.00.
501 through 550	Flat Rate: $225.00.
551 through 600	Flat Rate: $250.00.
601 through 1000	Flat Rate: $450.00.
Over 1000	Flat Rate: $1000.00.

(5) For the duplication in electronic or other form, the Agency will bill at the rate of $100.00 per compact disc.

(i) *No Fees Billed.* The CIA will not bill for fees when the cost of collecting the fee is equal to or greater than the fee itself. Therefore, the CIA will not bill for fees for any request for information when the total bill is twenty-five (25) dollars or less.

(j) *Interest.* The CIA may charge interest on any unpaid bill starting on the 31st day following the date of the bill, and will assess interest at the rate provided in section 3717 of title 31 of the U.S. Code. Interest will accrue from the date of the bill until the Agency receives payment. The CIA will follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(k) *Aggregation.* Where the CIA reasonably believes that a requester or group of requesters acting together is attempting to divide a request into a series of requests for a purpose of avoiding fees, the CIA may aggregate those requests and bill accordingly. This provision is not intended to limit the CIA's authority to aggregate the processing of multiple requests when necessary to protect national security or other U.S. Government interests.

(l) *Advance Payments.* An advance payment is a payment made before the CIA begins or continues work on a FOIA request. The CIA may require an advance payment only as specified in this section.

(1) The CIA may require a FOIA requester to make an advance payment of up to 100 percent of the total estimated fee only when—

(i) The CIA estimates, at any time before or during the processing of a FOIA request, that the total fee will exceed $250.00; or

(ii) The requester has previously failed to pay a fee in a timely fashion and the Agency did or could have charged the requester for interest in accordance with this section.

(2) When the CIA requires an advance payment, the CIA will promptly notify the requester and hold the request in abeyance for thirty calendar days from the date of the Agency's notice to the requester. If the requester fails to remit the payment within the thirty days, the Agency will close the case and take no further action on the FOIA request. This action does not prevent the requester from re-submitting the request at a susequent date.

(m) *Prepayments.* A prepayment is a payment made after the CIA has completed all the work on a FOIA request but has not forwarded the final response and the processed documents to the FOIA requester. The CIA may require any requester to pay up to the full amount of the billed fee before it provides the FOIA requester with the final response and the processed documents, particularly when the FOIA requester has no payment history or has previously failed to pay a fee within thirty calendar days of the bill.

(n) *Requests for Notification.* Upon request, the Agency may notify a requester when the estimated costs of processing the FOIA request meet or exceed a certain threshold.

(o) *Fee Waivers.*

(1) In order to qualify for any fee waiver, a FOIA requester must first agree in writing to pay all applicable fees.

(2) *Requesters shall submit fee waiver requests in writing.* The Agency will not consider any fee waiver request received by the Agency later than thirty calendar days of the date of the requester's FOIA request.

(3) The CIA will furnish records to a FOIA requester at no charge, or at a reduced rate, whenever the CIA determines that, as a matter of administrative discretion, the interest of the U.S. Government would be served.

(4) *Public interest fee waivers.* The CIA will furnish records to a FOIA requester at no charge, or at a reduced rate, whenever the CIA determines, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interests of the requester.

(i) In order to determine whether the first public interest fee waiver requirement has been met (i.e., that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of Government operations or activities), the Agency will consider the following four factors, in sequence:

(A) *Subject matter of the requested records.* The subject of the requested records must specifically concern identifiable operations or activities of the federal Government, with a connection that is direct and clear, not remote or attenuated.

(B) *Informative value of the information to be disclosed.* The disclosable portions of the requested information must be meaningfully informative about specific federal government activities or operations in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that is already in the public domain, in either a duplicative or substantially identical form, would not be likely to contribute to such understanding where nothing new would be added to the public's understanding.

(C) *Contribution to public understanding.* The disclosure must contribute to the understanding of the public at large, as opposed to the

individual understanding of the requester or a narrow segment of interested persons. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. The CIA may presume that requesters subject to search fees under these regulations do not have the ability to effectively convey information to the public.

(D) *Significance of the contribution to public understanding.* The disclosure must contribute ''significantly'' to public understanding of Government operations or activities. The public's understanding of the subject matter in question, as compared to the level of public understanding existing before the disclosure, must be enhanced by the disclosure to a significant extent.

(ii) In order to determine whether the second public interest fee waiver requirement is met (i.e., that the disclosure of the information ''is not primarily in the commercial interest of the requester''), the Agency will consider the following three factors, in sequence:

(A) *Existence of commercial interest.* A ''commercial interest'' is one that furthers a commercial, trade, or profit interest. The Agency will consider any commercial interest of the requester or any person upon whose behalf the requester may be acting that would be furthered by the disclosure. Agency personnel may consider the requester's identity and the circumstances surrounding the request and draw reasonable inferences regarding the existence of a commercial interest.

(B) *Effects of disclosure on the commercial interest.* If the requester has a commercial interest, the CIA will determine whether and to what extent disclosure of the requested information would further that interest.

(C) *Primary interest in disclosure.* The Agency will determine whether the public interest in disclosure asserted by the requester is greater in magnitude than the requester's commercial interest.

(5) If the Agency denies a request for a public interest fee waiver, it shall provide the requester with written notice of his or her administrative appeal rights. Requesters shall have the right to file an administrative appeal of the denial of a request for a public interest fee waiver provided the appeal is submitted in writing and is received by the Agency within forty-five calendar days of the date of the denial decision.

(6) The Chair of the Agency Release Panel shall adjudicate all appeals of denials of requests for public interest fee waivers.

§ 1900.23 [Amended]

7. Revise the heading of § 1900.23, to read ''§ 1900.23 Notification of Decision and Right of Appeal.''

8. In § 1900.23, remove and reserve paragraph (a).

9. Amend § 1900.42 by revising paragraph (a) to read as follows:

§ 1900.42 Right of appeal and appeal procedures.

(a) *Right of Appeal.* A right of administrative appeal exists whenever access to any requested record or any portion thereof is denied or no records are located in response to a request. The Agency will apprise all requesters in writing of their right to appeal such decisions to the CIA Agency Release Panel through the Coordinator. Appeals of denials of requests for fee waivers shall be governed by 32 CFR 1900.20.

* * * * *

Dated: December 28, 2006.

Edmund Cohen,

Chief of Information Management Services.

[FR Doc. E6–22574 Filed 1–5–07; 8:45 am]

BILLING CODE 6310–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0648; FRL–8266–2]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Identification of the Northern Virginia PM2.5 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. The revision consists of the addition of counties in the Northern Virginia which were designated as nonattainment for the PM2.5 National Ambient Air Quality Standards (NAAQS). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal 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 action, 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. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by February 7, 2007.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0648 by one of the following methods:

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

B. E-mail: *miller.linda@epa.gov.*

C. Mail: EPA–R03–OAR–2006–0648, Linda Miller, Acting Chief, Air Quality Planning and Analysis Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2006–0648. 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 information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. 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.

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 during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 814–2068, or by e-mail at *miller.linda@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information on this rulemaking to add the boundaries of the PM2.5 nonattainment area to Virginia regulations, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: December 22, 2006.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E6–22553 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0843; FRL–8261–4]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). This action revises various definitions of terms used by the SCAQMD and rescinds duplicate requirements for landfills from the VCAPCD. We are proposing to approve and rescind these local rules under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by February 7, 2007.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–0843, by one of the following methods:

1. Federal eRulemaking Portal: *http://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 *http://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 *http://www.regulations.gov* or e-mail. *http://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 *http://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: Cynthia G. Allen, EPA Region IX, (415) 947–4120, *allen.cynthia@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: SCAQMD 102, ''Definitions of Terms'' and VCAPCD 74.17, ''Solid Waste Disposal Sites.'' In the Rules and Regulations section of this **Federal Register**, we are approving SCAQMD 102 and rescinding VCAPCD 74.17 in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 11, 2006.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. E7–23 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0926; FRL–8266–7]

Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Excess Emissions Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 18, 2006 (71 FR 75690), EPA proposed revisions to the Nevada State Implementation Plan (SIP). These revisions relate to excess emissions provisions. EPA is extending the comment period until February 16, 2007.

DATES: Any comments on this proposal must arrive by February 16, 2007.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–0926, 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: Julie Rose, EPA Region IX, (415) 947–4126, *Rose.Julie@epa.gov.*

SUPPLEMENTARY INFORMATION: On December 18, 2006, EPA proposed the following revisions to the Nevada State Implementation Plan (SIP). Both of these revisions relate to excess emissions provisions.

Rule No.	Proposed action
NAC 445.677	Approve requested rescission.
NAQR Article 2.5.4.	Disapprove rule previously approved in error.

The proposed action provided a 30-day public comment period. In response to a request from Leo M. Drozdoff, P.E., Administrator, Nevada Division of Environmental Protection (NDEP), submitted by letter on December 21, 2006, EPA is extending the comment period for an additional 30 days.

Dated: December 26, 2006.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. E7–18 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2006–0563; FRL–8266–5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of Flint, Muskegon, Benton Harbor, and Cass County 8-hour Ozone Nonattainment Areas to Attainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to make determinations under the Clean Air Act (CAA) that the nonattainment areas of Flint (Genesee and Lapeer Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), and Cass County have attained the 8-hour ozone National Ambient Air Quality Standard (NAAQS). These determinations are based on three years of complete, quality-assured ambient air quality monitoring data for the 2004–2006 seasons that demonstrate that the 8-hour ozone NAAQS have been attained in the areas.

EPA is proposing to approve requests from the State of Michigan to redesignate the Flint, Muskegon, Benton Harbor, and Cass County areas to attainment of the 8-hour ozone NAAQS. These requests were submitted by the Michigan Department of Environmental Quality (MDEQ) on June 13, 2006, and supplemented on August 25, 2006, and November 30, 2006.

In proposing to approve this request, EPA also is proposing to approve the State's plans for maintaining the 8-hour ozone NAAQS through 2018 in the areas as revisions to the Michigan State Implementation Plan (SIP). EPA also finds adequate and is proposing to approve the State's 2018 Motor Vehicle Emission Budgets (MVEBs) for the Flint, Muskegon, Benton Harbor, and Cass County areas.

DATES: Comments must be received on or before February 7, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR–2006–0563, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- E-mail: *mooney.john@epa.gov.*
- Fax: (312)886–5824.
- Mail: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
- Hand delivery: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2006–0563. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886–6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *hatten.charles@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

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I. What Should I Consider as I Prepare My Comments for EPA?

When submitting comments, remember to:

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions—The EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns, and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

II. What Actions Is EPA Proposing to Take?

EPA is proposing to take several related actions. EPA is proposing to make determinations that the Flint (Genesee and Lapeer Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), and Cass County, Michigan nonattainment areas have attained the 8-hour ozone standard and that these areas have met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus proposing to approve Michigan's request to change the legal designations of the Flint, Muskegon, Benton Harbor, and Cass County areas from nonattainment to attainment for the 8-hour ozone NAAQS. EPA is also proposing to approve Michigan's maintenance plan SIP revisions for the Flint, Muskegon, Benton Harbor, and Cass County areas (such approval being one of the CAA criteria for redesignation to attainment status). The maintenance plans are designed to keep the Flint, Muskegon, Benton Harbor, and Cass County areas in attainment of the ozone NAAQS through 2018. Additionally, EPA is announcing its action on the Adequacy Process for the newly-established 2018 MVEBs for the Flint, Muskegon, Benton Harbor, and Cass County areas. The adequacy comment period for the 2018 MVEBs began on August 4, 2006, with EPA's posting of the availability of these submittals on EPA's Adequacy Web site (at *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm)*. The adequacy comment period for these MVEBs ended on September 5, 2006. EPA did not receive any requests for these submittals, or adverse comments on these submittals during the adequacy comment period. Please see the Adequacy Section of this rulemaking for further explanation on this process. Therefore, we find adequate, and are proposing to approve, the State's 2018 MVEBs for transportation conformity purposes.

III. What Is the Background for These Actions?

Ground-level ozone is not emitted directly by sources. Rather, emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOCs) react in the presence of sunlight to form ground-level ozone. NO_X and VOCs are referred to as precursors of ozone.

The CAA establishes a process for air quality management through the NAAQS. Before promulgation of the current 8-hour standard, the ozone NAAQS was based on a 1-hour standard. EPA revoked the 1-hour ozone NAAQS on June 15, 2005. At the time EPA revoked the 1-hour standard, the Flint, Muskegon, Benton Harbor, and Cass County areas were all designated as attainment under the 1-hour ozone NAAQS.

On July 18, 1997, EPA promulgated a new 8-hour ozone NAAQS of 0.08 parts per million (ppm). This new standard is more stringent than the previous 1-hour standard. On April 30, 2004 (69 FR 23857), EPA published a final rule designating and classifying areas under the 8-hour ozone NAAQS. These designations and classifications became effective June 15, 2004. The CAA required EPA to designate as nonattainment any area that was violating the 8-hour ozone NAAQS based on the three most recent years of air quality data, 2001–2003.

The CAA contains two sets of provisions—subpart 1 and subpart 2—that address planning and control requirements for nonattainment areas. (Both are found in title I, part D, 42 U.S.C. 7501–7509a and 7511–7511f, respectively.) Subpart 1 (which EPA refers to as ''basic'' nonattainment) contains general, less prescriptive, requirements for nonattainment areas for any pollutant, including ozone, governed by a NAAQS. Subpart 2 (which EPA refers to as ''classified'' nonattainment) provides more specific requirements for ozone nonattainment areas. Some ozone nonattainment areas are subject only to the provisions of subpart 1. Other ozone nonattainment areas are subject to the provisions of both subparts 1 and 2. Under EPA's 8-hour ozone implementation rule, signed on April 15, 2004 (69 FR 23951 (April 30, 2004)), an area was classified under subpart 2 based on its 8-hour ozone design value (i.e., the 3-year average annual fourth-highest daily maximum 8-hour average ozone concentration), if it had a 1-hour design value at or above 0.121 ppm (the lowest 1-hour design value in Table 1 of subpart 2) (69 FR 23954). All other areas were covered under Subpart 1, based upon their 8-hour design values (69 FR 23958). The Muskegon and Cass County areas were designated as subpart 2, 8-hour ozone moderate nonattainment areas by EPA on April 30, 2004, (69 FR 23857, 23911), based on air quality monitoring data from 2001–2003. The Flint and Benton

Harbor areas were designated by EPA as subpart 1, 8-hour nonattainment areas (69 FR 23910—23911), based on 2001–2003 monitoring data.

Under section 181(a)(4) of the CAA EPA may adjust the classification of an ozone nonattainment area to the next higher or lower classification if the design value for the area is within five percent of the cut off for that higher or lower classification. On September 22, 2004, EPA adjusted the classification of several nonattainment areas which had been designated and classified under subpart 2 on April 30, 2004. At that time, EPA adjusted the classifications of the Muskegon and Cass County nonattainment areas from moderate to marginal (69 FR 56697, 56708–5670).

40 CFR 50.10 and 40 CFR part 50, Appendix I provide that the 8-hour ozone standard is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.08 ppm when rounded. The data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90%, and no single year has less than 75% data completeness. See 40 CFR part 50, Appendix I, section 2.3(d).

On June 13, 2006, Michigan requested that EPA redesignate the Flint, Muskegon, Benton Harbor, and Cass County areas to attainment for the 8-hour ozone standard. This submittal was supplemented on August 25, 2006, and November 30, 2006. Michigan included complete, quality-assured air monitoring data for the 2004 through 2006 ozone season, indicating the 8-hour NAAQS for ozone had been attained for the Flint, Muskegon, Benton Harbor, and Cass County areas. Under the CAA, a nonattainment area may be redesignated to attainment if sufficient complete, quality-assured air monitoring data are available for the Administrator to determine that the area has attained the standard, and the area meets the other CAA redesignation requirements in section 107(d)(3)(E).

IV. What Are the Criteria for Redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) allows for redesignation provided that: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and, (5) the state containing such area has met all requirements applicable to the area under section 110 and part D.

EPA provided guidance on redesignation in the General Preamble for the Implementation of Title I of the CAA Amendments of 1990, on April 16, 1992 (57 FR 13498), and supplemented this guidance on April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

''Ozone and Carbon Monoxide Design Value Calculations'', Memorandum from William G. Laxton, Director Technical Support Division, June 18, 1990;

''Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992;

''Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992;

''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992;

''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (ACT) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992;

''Technical Support Documents (TSD's) for Redesignation of Ozone and Carbon Monoxide (CO) Nonattainment Areas,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, August 17, 1993;

''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) On or After November 15, 1992,'' Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993;

''Use of Actual Emissions in Maintenance Demonstrations for Ozone and CO Nonattainment Areas,'' Memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, to Air Division Directors, Regions 1–10, dated November 30, 1993.

''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994; and

''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995.

V. Why Is EPA Proposing to Take These Actions?

On June 13, 2006, Michigan requested redesignation of the Flint, Muskegon, Benton Harbor, and Cass County areas to attainment for the 8-hour ozone standard. Michigan supplemented its submittal on August 25, 2006, and November 30, 2006. EPA believes that the areas have attained the standard and have met the requirements for redesignation set forth in section 107(d)(3)(E) of the CAA.

VI. What Is the Effect of These Actions?

Approval of the redesignation request would change the official designation of the areas for the 8-hour ozone NAAQS found at 40 CFR part 81. It would also incorporate into the Michigan SIP plans for maintaining the 8-hour ozone NAAQS through 2018. The maintenance plans include contingency measures to remedy future violations of the 8-hour NAAQS. They also establish MVEBs for the year 2018 of 25.68 tons per day (tpd) VOC and 37.99 tpd NO_X for the Flint area, 6.67 tpd VOC and 11.00 tpd NO_X for the Muskegon area, 9.16 tpd VOC and 15.19 tpd NO_X for the Benton Harbor area, and 2.76 tpd VOC and 3.40 tpd NO_X for the Cass County area.

VII. What Is EPA's Analysis of the Requests?

i. Attainment Determination and Redesignation

EPA is proposing to make determinations that the Flint, Muskegon, Benton Harbor, and Cass County nonattainment areas have attained the 8-hour ozone standard and that the areas have met all other applicable section 107(d)(3)(E) redesignation criteria. The basis for EPA's determinations is as follows:

1. The Areas Have Attained the 8-hour Ozone NAAQS. (Section 107(d)(3)(E)(i))

EPA is proposing to make determinations that the Flint, Muskegon, Benton Harbor, and Cass County areas have attained the 8-hour ozone NAAQS. For ozone, an area may be considered to be attaining the 8-hour ozone NAAQS if there are no violations, as determined in accordance with 40 CFR 50.10 and part 50, Appendix I, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, Appendix I, the standard is attained if the design value is 0.084 ppm or below. The data must be collected and quality-assured in accordance with 40 CFR part 58, and recorded in the Aerometric Information Retrieval System (AIRS). The monitors generally should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

MDEQ submitted ozone monitoring data for the 2004 to 2006 ozone seasons. The MDEQ quality assured the ambient monitoring data in accordance with 40 CFR 58.10, and recorded it in the AIRS database, thus making the data publicly available. The data meets the completeness criteria in 40 CFR part 50, Appendix I, which requires a minimum completeness of 75 percent annually and 90 percent over each three year period. Monitoring data is presented in Table 1, below. Data completeness information is presented in Table 2, below.

TABLE 1.—ANNUAL 4TH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATION AND 3-YEAR AVERAGES OF 4TH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS

Area	County	Monitor	2004 4th high (ppm)	2005 4th high (ppm)	2006 4th high (ppm)	2004–2006 avg. (ppm)	Design value 2006 rounded to 2 decimals (ppm)
Flint	Genesee	Flint 26–0490021	0.075	0.079	0.075	0.076	0.08
	Lapeer	Otisville 26–0490021	0.077	0.080	0.075	0.077	0.08
Muskegon	Muskegon	Muskegon 26–1210039.	0.070	0.090	0.091	0.083	0.08
Benton Harbor	Berrien	Coloma 26–0210014	0.073	0.090	0.077	0.080	0.08
Cass	Cass	Cassopolis 26–0270003.	0.077	0.086	0.073	0.078	0.08

TABLE 2.—DATA COMPLETENESS IN PERCENT (%)

Area	County	Monitor	Annual Minimum of 75% Completeness			3-Year Period Average Minimum of 90% Completeness
			2004 (%)	2005 (%)	2006 (%)	2004–2006 average (%)
Flint	Genesee	Flint 26–0490021	100	75	97	91
	Lapeer	Otisville 26–0492001	100	87	100	96
Muskegon	Muskegon	Muskegon 26–1210039	99	96	99	98
Benton Harbor	Berrien	Coloma 26–0210014	98	98	100	99
Cass	Cass	Cassopolis	92	100	98	97

In addition, as discussed below with respect to the maintenance plans, MDEQ has committed to continue operating an EPA approved monitoring network in accordance with 40 CFR part 58. In summary, EPA believes that the data submitted by Michigan provide an adequate demonstration that the Flint, Muskegon, Benton Harbor, and Cass County areas have attained the 8-hour ozone NAAQS.

2. The Areas Have Met All Applicable Requirements Under Section 110 and Part D; and the Areas Have Fully Approved SIPs Under Section 110(k) (Sections 107(d)(3)(E)(v) and 107(d)(3)(E)(ii))

We have determined that Michigan has met all currently applicable SIP requirements for purposes of redesignation for the Flint, Muskegon, Benton Harbor, and Cass County areas under Section 110 of the CAA (general SIP requirements). We have also determined that the Michigan SIP meets all SIP requirements currently applicable for purposes of redesignation under Part D of Title I of the CAA (requirements specific to Subpart 1 and Subpart 2 marginal nonattainment areas), in accordance with section 107(d)(3)(E)(v). In addition, we have determined that the Michigan SIP is fully approved with respect to all applicable requirements for purposes of redesignation, in accordance with section 107(d)(3)(E)(ii). In making these determinations, we have ascertained what SIP requirements are applicable to the areas for purposes of redesignation, and have determined that the portions of the SIP meeting these requirements are fully approved under section 110(k) of the CAA. As discussed more fully below, SIPs must be fully approved only with respect to currently applicable requirements of the CAA.

a. *The Flint, Muskegon, Benton Harbor, and Cass County areas have met all applicable requirements under section 110 and part D of the CAA.* The September 4, 1992, Calcagni memorandum (see ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992) describes EPA's interpretation of section 107(d)(3)(E) of the CAA. Under this interpretation, a state and the area it wishes to redesignate must meet the relevant CAA

requirements that are due prior to the state's submittal of a complete redesignation request for the area. See also the September 17, 1993, Michael Shapiro memorandum and 60 FR 12459, 12465–66 (March 7, 1995) (redesignation of Detroit-Ann Arbor, Michigan to attainment of the 1-hour ozone NAAQS). Applicable requirements of the CAA that come due subsequent to the state's submittal of a complete request remain applicable until a redesignation to attainment is approved, but are not required as a prerequisite to redesignation. See section 175A(c) of the CAA; *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004). See also 68 FR 25424, 25427 (May 12, 2003) (redesignation of the St. Louis/East St. Louis area to attainment of the 1-hour ozone NAAQS).

General SIP requirements. Section 110(a) of title I of the CAA contains the general requirements for a SIP. Section 110(a)(2) provides that the implementation plan submitted by a state must have been adopted by the state after reasonable public notice and hearing, and that, among other things, it includes enforceable emission limitations and other control measures, means or techniques necessary to meet the requirements of the CAA; provides for establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor ambient air quality; provides for implementation of a source permit program to regulate the modification and construction of any stationary source within the areas covered by the plan; includes provisions for the implementation of part C, Prevention of Significant Deterioration (PSD) and part D, New Source Review (NSR) permit programs; includes criteria for stationary source emission control measures, monitoring, and reporting; includes provisions for air quality modeling; and provides for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) of the CAA requires that SIPs contain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address transport of air pollutants (NO_X SIP Call,[1] Clean Air Interstate Rule (CAIR)(70 FR 25162)). However, the section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification. EPA believes that the requirements linked with a particular nonattainment area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. When the transport SIP submittal requirements are applicable to a state, they will continue to apply to the state regardless of the designation of any one particular area in the state. Therefore, we believe that these requirements should not be construed to be applicable requirements for purposes of redesignation. Further, we believe that the other section 110 elements described above that are not connected with nonattainment plan submissions and not linked with an area's attainment status are also not applicable requirements for purposes of redesignation. A state remains subject to these requirements after an area is redesignated to attainment. We conclude that only the section 110 and part D requirements which are linked with a particular area's designation and classification are the relevant measures which we may consider in evaluating a redesignation request. This approach is consistent with EPA's existing policy on applicability of conformity and oxygenated fuels requirements for redesignation purposes, as well as with section 184 ozone transport requirements. See Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 1997); Cleveland-Akron-Lorain, Ohio, final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking (60 FR 62748, December 7, 1995). See also the discussion on this issue in the Cincinnati ozone redesignation (65 FR 37890, June 19, 2000), and in the Pittsburgh ozone redesignation (66 FR 50399, October 19, 2001).

As discussed above, we believe that section 110 elements which are not linked to the area's nonattainment status are not applicable for purposes of redesignation. Because there are no section 110 requirements that are linked to the part D requirements for 8-hour ozone nonattainment areas that have become due, as explained below, there are no Part D requirements applicable for purposes of redesignation under the 8-hour standard.

Part D Requirements. EPA has determined that the Michigan SIP meets applicable SIP requirements under part D of the CAA since no requirements applicable for purposes of redesignation became due for the 8-hour ozone standard prior to submission of the redesignation request for the Flint, Muskegon, Benton Harbor, and Cass County areas. Under part D, an area's classification determines the requirements to which it will be subject. Subpart 1 of part D, which includes sections 172–176 of the CAA, sets forth the basic nonattainment requirements applicable to all nonattainment areas. Section 182 of the CAA, which is found in subpart 2 of part D, establishes additional specific requirements depending on the area's nonattainment classification. The Flint and Benton Harbor areas are both classified as subpart 1 nonattainment areas and, therefore, subpart 2 requirements do not apply. The Muskegon and Cass County areas are classified as subpart 2 marginal nonattainment areas and, therefore, both subpart 1 and subpart 2 requirements apply.

Part D, Subpart 1 applicable SIP requirements. For purposes of evaluating these redesignation requests, the applicable part D, subpart 1 SIP requirements for Flint, Benton Harbor, Muskegon, and Cass County areas are contained in sections 172(c)(1)–(9). A thorough discussion of the requirements contained in section 172 can be found in the General Preamble for Implementation of Title I (General Preamble 57 FR 13498, April 16, 1992).

Part D, Subpart 2 applicable SIP requirements. For purposes of evaluating these redesignation requests, the applicable part D, subpart 2 SIP requirements for the Muskegon and Cass County areas are contained in section 182(a). A thorough discussion of the requirements contained in section 182(a) can be found in the General Preamble (57 FR 13498, 13502–13507 (April 16, 1992)).

No requirements applicable for purposes of redesignation under part D became due prior to submission of the redesignation request, and, therefore, none is applicable to the areas for purposes of redesignation. Since the State of Michigan has submitted complete ozone redesignation requests for the Flint, Muskegon, Benton Harbor, and Cass County areas prior to the deadline for any submissions required for purposes of redesignation, we have determined that these requirements do not apply to the Flint, Muskegon,

[1] On October 27, 1998 (63 FR 57356), EPA issued a NO_X SIP call, requiring the District of Columbia and 22 states, including portions of Michigan, to reduce emissions of NO_X in order to reduce the transport of ozone and ozone precursors. In compliance with EPA's NO_X SIP call, MDEQ has developed rules governing the control of NO_X emissions from electric generating units (EGUs), major non-EGU industrial boilers, and major cement kilns. EPA approved Michigan's rules as fulfilling Phase I of the NO_X SIP Call on May 4, 2005 (70 FR 23029).

Benton Harbor, and Cass County areas for purposes of redesignation.

Furthermore, EPA has determined that, since PSD requirements will apply after redesignation, areas redesignating need not comply with the requirement that a NSR program be approved prior to redesignation, provided that these areas demonstrate maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Michigan has demonstrated that the Flint, Muskegon, Benton Harbor, and Cass County areas will be able to maintain the standard without part D NSR in effect; and therefore, EPA concludes that the State need not have a fully approved part D NSR program prior to approval of the redesignation request. The State's PSD program will become effective in the Flint, Muskegon, Benton Harbor, and Cass County areas upon redesignation to attainment. See rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996).

Section 176 conformity requirements. Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally-supported or funded activities, including highway projects, conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 of the U.S. Code and the Federal Transit Act (transportation conformity) as well as to all other federally-supported or funded projects (general conformity). State conformity revisions must be consistent with federal conformity regulations relating to consultation, enforcement and enforceability, which EPA promulgated pursuant CAA requirements.

EPA believes that it is reasonable to interpret the conformity SIP requirements as not applying for purposes of evaluating the redesignation request under section 107(d) for two reasons. First, the requirement to submit SIP revisions to comply with the conformity provisions of the CAA continues to apply to areas after redesignation to attainment since such areas would be subject to a section 175A maintenance plan. Second, EPA's federal conformity rules require the performance of conformity analyses in the absence of federally-approved state rules. Therefore, because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and, because they must implement conformity under federal rules if state rules are not yet approved, EPA believes it is reasonable to view these requirements as not applying for purposes of evaluating a redesignation request. See *Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001), upholding this interpretation. See also 60 FR 62748, 62749–62750 (Dec. 7, 1995) (Tampa, Florida).

EPA approved Michigan's general and transportation conformity SIPs on December 18, 1996 (61 FR 66607 and 61 FR 66609, respectively). Michigan has submitted on-highway motor vehicle budgets of 25.68 tons per day (tpd) VOC and 37.99 tpd NO_X for the Flint area, 6.67 tpd VOC and 11.00 tpd NO_X for the Muskegon area, 9.16 tpd VOC and 15.19 tpd NO_X for the Benton Harbor area, and 2.76 tpd VOC and 3.40 tpd for NO_X for the Cass County area based on the areas' projected 2018 emission levels. The Flint, Muskegon, Benton Harbor, and Cass County areas must use the motor vehicle emissions budgets from the maintenance plan in any conformity determination that is effective on or after the effective date of the maintenance plan approval. Thus, the areas have satisfied all applicable requirements under section 110 and part D of the CAA.

b. *The Flint, Muskegon, Benton Harbor, and Cass County areas have a fully approved applicable SIP under section 110(k) of the CAA.* EPA has fully approved the Michigan SIP for the Flint, Muskegon, Benton Harbor, and Cass County areas under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request (see the September 4, 1992 John Calcagni memorandum, page 3, *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–990 (6th Cir. 1998), *Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001)) plus any additional measures it may approve in conjunction with a redesignation action. See 68 FR 25413, 25426 (May 12, 2003). Since the passage of the CAA of 1970, Michigan has adopted and submitted, and EPA has fully approved, provisions addressing the various required SIP elements applicable to the Flint, Muskegon, Benton Harbor, and Cass County areas under the 1-hour ozone standard. No Flint, Muskegon, Benton Harbor, or Cass County area SIP provisions are currently disapproved, conditionally approved, or partially approved.

3. The Improvement in Air Quality Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIP and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions (Section 107(d)(3)(E)(iii))

EPA finds that Michigan has demonstrated that the observed air quality improvement in the Flint, Muskegon, Benton Harbor, and Cass County areas is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP, federal measures, and other state-adopted measures.

In making this demonstration, the State has calculated the change in emissions between 2002 and 2005, one of the years the Flint, Muskegon, Benton Harbor, and Cass County areas monitored attainment. The reduction in emissions and the corresponding improvement in air quality over this time period can be attributed to a number of regulatory control measures that Michigan and upwind areas have implemented in recent years. The Flint, Muskegon, Benton Harbor, and Cass County areas are all impacted, in varying degrees, by the transport of ozone and ozone precursors from upwind areas. Therefore, local controls as well as controls implemented in upwind counties are relevant to the improvement in air quality in the Flint, Muskegon, Benton Harbor, and Cass County areas.

a. *Permanent and enforceable controls implemented.* The following is a discussion of permanent and enforceable measures that have been implemented in the areas:

NO_X rules. In compliance with EPA's NO_X SIP call, Michigan developed rules to control NO_X emissions from electric generating units (EGUs), major non-EGU industrial boilers, and major cement kilns. These rules required sources to begin reducing NO_X emissions in 2004. From 2004 on, NO_X emissions from EGUs have been capped at a statewide total well below pre-2002 levels. MDEQ expects that NO_X emissions will further decline as the State meets the requirements of EPA's Phase II NO_X SIP call (69 FR 21604; April 21, 2004).

Federal Emission Control Measures. Reductions in VOC and NO_X emissions have occurred statewide as a result of federal emission control measures, with additional emission reductions expected to occur in the future as the State

implements additional emission controls. Federal emission control measures include: the National Low Emission Vehicle (NLEV) program, Tier 2 emission standards for vehicles, gasoline sulfur limits, low sulfur diesel fuel standards, and heavy-duty diesel engine standards. In addition, in 2004, EPA issued the Clean Air Non-road Diesel Rule (69 FR 38958 (July 29, 2004)). EPA expects this rule will reduce off-road diesel emissions through 2010, with emission reductions starting in 2008.

Control Measures in Upwind Areas. Upwind ozone nonattainment areas in the Lake Michigan region, including Chicago, Illinois; Gary, Indiana; and Milwaukee, Wisconsin have continued to reduce emissions of VOC and NO_X to meet their rate of progress obligations under the 1-hour ozone standard. Illinois, Indiana and Wisconsin have all developed regulations to control NO_X, Illinois and Indiana pursuant to the NO_X SIP call and Wisconsin to meet rate of progress requirements. These upwind reductions in emissions have resulted in lower concentrations of transported ozone entering Michigan. The emission reductions resulting from these upwind control programs are permanent and enforceable.

b. *Emission reductions.* Michigan is using 2002 for the nonattainment inventory and 2005, one of the years used to demonstrate monitored attainment of the NAAQS, for the attainment inventory. For 2002, MDEQ used the Lake Michigan Air Directors Consortium (LADCO) 2002 base K inventory. This typical summer day inventory was developed by processing emissions data from the EPA final 2002 National Emissions Inventory (NEI). Nonroad emissions were estimated using the most current version of EPA's National Mobile Inventory Model (NMIM). For the 2005 inventory, Michigan interpolated between the 2002 LADCO base K inventory and the LADCO 2009 base K inventory to project emissions for the non-EGU point and area sectors. For EGU emissions, Michigan used 2004 actual emissions as a better representation of 2005 than interpolating from 2009. For nonroad emissions, Michigan used the most current version of NMIM. For onroad emissions, Michigan used the Mobile6.2 model.

Based on the inventories described above, Michigan's submittal documents changes in VOC and NO_X emissions from 2002 to 2005 for the Flint, Muskegon, Benton Harbor, and Cass County areas. The emissions reductions for both VOC and NO_X, by county and by source category are shown below in Tables 3 through 7.

TABLE 3.—FLINT AREA: TOTAL VOC AND NO_X EMISSIONS FOR NONATTAINMENT YEAR 2002 (TPD)

	Genesee		Lapeer		Total	
	VOC	NO_X	VOC	NO_X	VOC	NO_X
Point	4.93	2.66	1.14	0.32	6.07	2.98
Area	22.06	1.76	4.60	0.37	26.66	2.13
Nonroad	33.74	8.72	6.81	2.97	40.55	11.69
Onroad	26.68	40.80	4.84	9.82	31.52	50.62
Total	87.41	53.94	17.39	13.48	104.8	67.42

TABLE 4.—FLINT AREA: TOTAL VOC AND NO_X EMISSIONS FOR ATTAINMENT YEAR 2005 (TPD)

	Genesee		Lapeer		Total	
	VOC	NO_X	VOC	NO_X	VOC	NO_X
Point	4.38	2.61	0.95	0.30	5.33	2.91
Area	21.63	1.80	4.60	0.38	26.23	2.18
Nonroad	11.79	8.07	6.72	2.79	18.51	10.86
Onroad	17.71	29.98	3.39	6.10	21.10	36.08
Total	55.51	42.46	15.66	9.57	71.17	52.03

TABLE 5.—FLINT AREA: COMPARISON OF 2002 AND 2005 VOC AND NO_X EMISSIONS (TPD)

Sector	VOC			NO_X		
	2002	2005	Net change (2002–2005)	2002	2005	Net change (2002–2005)
Point	6.07	5.33	−0.74	2.98	2.91	−0.07
Area	26.66	26.23	−0.43	2.13	2.18	0.05
Onroad	40.55	18.51	−22.04	11.69	10.86	−0.83
Nonroad	31.52	21.10	−10.42	50.62	36.08	−14.54
Total	104.80	71.17	−33.63	67.42	52.03	−15.39

TABLE 6.—MUSKEGON AREA (MUSKEGON COUNTY): COMPARISON OF 2002 AND 2005 VOC AND NO_X EMISSIONS (TPD)

Sector	VOC			NO_X		
	2002	2005	Net change (2002–2005)	2002	2005	Net change (2002–2005)
Point	1.77	1.73	−0.04	14.35	13.83	−0.52
Area	8.20	8.15	−0.05	0.81	0.83	0.02
Onroad	7.67	5.08	−2.59	11.93	8.91	−3.02
Nonroad	10.41	10.26	−0.15	6.48	6.27	−0.21
Total	28.05	25.22	−2.83	33.57	29.84	−3.73

TABLE 7.—BENTON HARBOR AREA (BERRIEN COUNTY): COMPARISON OF 2002 AND 2005 VOC AND NO_X EMISSIONS (TPD)

Sector	VOC			NO_X		
	2002	2005	Net change (2002–2005)	2002	2005	Net change (2002–2005)
Point	1.91	1.93	0.02	3.70	3.47	−0.23
Area	9.05	8.99	−0.06	0.79	0.81	0.02
Onroad	11.11	7.45	−3.66	20.45	14.49	−5.96
Nonroad	11.67	10.98	−0.69	4.80	4.54	−0.26
Total	33.74	29.35	−4.39	29.74	23.31	−6.43

TABLE 8.—CASS COUNTY AREA: COMPARISON OF 2002 AND 2005 VOC AND NO_X EMISSIONS (TPD)

Sector	VOC			NO_X		
	2002	2005	Net change (2002–2005)	2002	2005	Net change (2002–2005)
Point	0.31	0.34	0.03	0.20	0.20	0.00
Area	2.22	2.22	0.00	0.20	0.20	0.00
Onroad	2.45	1.66	−0.79	4.52	2.97	−1.55
Nonroad	5.07	5.06	−0.01	2.06	1.92	−0.14
Total	10.05	9.28	−0.77	6.98	5.29	−1.69

Table 5 shows that the Flint area reduced VOC emissions by 33.53 tpd and NO_X emissions by 15.39 tpd between 2002 and 2005.

Table 6 shows that the Muskegon area reduced VOC emissions by 2.83 tpd and NO_X emissions by 3.73 tpd between 2002 and 2005. Table 7 shows that the Benton Harbor area reduced VOC emissions by 4.39 tpd and NO_X emissions by 6.43 tpd between 2002 and 2005. Table 8 shows that the Cass County area reduced VOC emissions by 0.77 tpd and NO_X emissions by 1.69 tpd between 2002 and 2005.

Based on the information summarized above, Michigan has adequately demonstrated that the improvement in air quality is due to permanent and enforceable emissions reductions.

4. The Areas Have a Fully Approved Maintenance Plan Pursuant to Section 175a of the CAA. (Section 107(d)(3)(E)(iv))

In conjunction with its requests to redesignate the Flint, Muskegon, Benton Harbor, and Cass County nonattainment areas to attainment status, Michigan submitted a SIP revision to provide for the maintenance of the 8-hour ozone NAAQS in these areas for at least 10 years after redesignation.

a. *What is required in a maintenance plan?* Section 175A of the CAA sets forth the required elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates that attainment will continue to be maintained for ten years following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures with a schedule for implementation as EPA deems necessary to assure prompt correction of any future 8-hour ozone violations.

The September 4, 1992, John Calcagni memorandum provides additional guidance on the content of a maintenance plan. The memorandum clarifies that an ozone maintenance plan should address the following items: The attainment VOC and NO_X emissions inventories, a maintenance demonstration showing maintenance for the ten years of the maintenance period, a commitment to maintain the existing monitoring network, factors and procedures to be used for verification of continued attainment of the NAAQS, and a contingency plan to prevent or correct future violations of the NAAQS.

b. *Attainment Inventory.* As described above, the MDEQ developed attainment inventories for 2005, one of the years used to demonstrate monitored attainment of the 8-hour NAAQS. The 2005 attainment level of emissions is summarized, above, in Tables 4 to 8.

c. *Demonstration of Maintenance.* Michigan submitted with the

redesignation request revisions to the 8-hour ozone SIP to include 10-year maintenance plans for the Flint, Muskegon, Benton Harbor, and Cass County areas, as required by section 175A of the CAA. These demonstrations show maintenance of the 8-hour ozone standard by assuring that current and future emissions of VOC and NO_X for the Flint, Muskegon, Benton Harbor, and Cass County areas remain at or below attainment year emission levels. A maintenance demonstration need not be based on modeling. See *Wall* v. *EPA*, 265 F.3d 426 (6th Cir. 2001), *Sierra Club* v. *EPA*, 375 F. 3d 537 (7th Cir. 2004). See also 66 FR 53094, 53099–53100 (October 19, 2001), 68 FR 25413, 25430–25432 (May 12, 2003).

Michigan is using projected inventories developed by LADCO for the years 2009 and 2018. The exception to this is the 2018 onroad mobile source emissions estimates, which were prepared by the Michigan Department of Transportation. Using projected inventories prepared by LADCO will ensure that the inventories used for redesignation are consistent with regional attainment modeling performed in the future. These emission estimates are presented in Tables 9 to 12 below.

TABLE 9.—FLINT AREA: COMPARISON OF 2005–2018 TOTAL VOC AND NO_X EMISSIONS (TPD)

Sector	VOC				NO_X			
	2005	2009	2018	Net change 2005–2018	2005	2009	2018	Net change 2005–2018
Point non-EGU	5.27	4.35	4.83	−0.44	2.77	2.74	2.81	0.04
Point EGU	0.06	0.00	0.00	−0.06	0.14	0.00	0.01	−0.13
Point Total	5.33	4.35	4.83	−0.50	2.91	2.74	2.82	−0.09
Area	26.23	25.65	26.01	−0.22	2.18	2.25	2.33	0.87
Onroad	21.10	18.18	9.76	−11.34	36.08	32.89	11.43	−24.65
Nonroad	18.51	16.35	12.88	−5.63	10.86	9.20	15.02	−4.16
Total	71.17	64.01	53.48	−17.69	52.03	47.08	22.51	−29.52
Safety Margin				17.69				29.52

TABLE 10.—MUSKEGON AREA: COMPARISON OF 2005–2018 TOTAL VOC AND NO_X EMISSIONS (TPD)

Sector	VOC				NO_X			
	2005	2009	2018	Net change 2005–2018	2005	2009	2018	Net change 2005–2018
Point Non-EGU	1.63	1.59	2.02	0.39	4.75	4.75	5.14	0.39
Point EGU	0.10	0.10	0.12	0.02	9.08	6.23	7.17	−1.91
Point Total	1.73	1.69	2.14	0.41	13.83	10.98	12.31	−1.52
Area	8.15	8.09	8.36	0.21	0.83	0.85	0.88	0.05
Onroad	5.08	4.66	2.27	−2.81	8.91	8.19	2.74	−6.17
Nonroad	10.26	9.52	7.56	−2.70	6.27	5.84	4.73	−1.54
Total	25.22	23.96	20.33	−4.89	29.84	25.86	20.66	−9.18
Safety Margin				4.89				9.18

TABLE 11.—BENTON HARBOR AREA (BERRIEN COUNTY): COMPARISON OF 2005–2018 TOTAL VOC AND NO_X EMISSIONS (TPD)

Sector	VOC				NO_X			
	2005	2009	2018	Net change 2005–2018	2005	2009	2018	Net change 2005–2018
Point Non-EGU	1.93	1.95	2.40	0.47	3.47	3.17	3.22	−0.25
Point EGU	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Point Total	1.93	1.95	2.40	0.47	3.47	3.17	3.22	−0.25
Area	8.99	8.92	9.38	0.39	0.81	0.83	0.86	0.05
Onroad	7.45	6.54	3.44	−4.01	14.49	13.27	4.57	−9.92
Nonroad	10.98	9.86	7.77	−3.21	4.54	4.01	2.86	−1.68
Total	29.35	27.27	22.99	−6.36	23.31	21.28	11.51	−11.80
Safety Margin				6.36				11.80

TABLE 12.—CASS COUNTY AREA: COMPARISON OF 2005–2018 VOC AND NO_X EMISSIONS (TPD)

Sector	VOC				NO_X			
	2005	2009	2018	Net change 2005–2018	2005	2009	2018	Net change 2005–2018
Point non-EGU	0.34	0.39	0.49	0.15	0.20	0.20	0.23	0.03
Point EGU	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Point Total	0.34	0.39	0.49	0.15	0.20	0.20	0.23	0.03
Area	2.22	2.22	2.31	−0.44	0.20	0.21	0.22	0.02
Onroad	1.66	1.47	0.74	−9.64	2.97	3.03	0.94	−2.03
Nonroad	5.06	4.70	3.50	−3.59	1.92	1.67	1.17	−0.75
Total	9.28	8.78	7.04	−2.24	5.29	5.11	2.56	−2.73
Safety Margin				2.24				2.73

The emission projections show that MDEQ does not expect emissions in the Flint, Muskegon, Benton Harbor, and Cass County areas to exceed the level of the 2005 attainment year inventory during the maintenance period. In the Flint area, MDEQ projects that VOC and NO_X emissions will decrease by 17.69 tpd and 29.52 tpd, respectively. In the Muskegon area, MDEQ projects that VOC and NO_X emissions will decrease by 4.89 tpd and 9.18 tpd, respectively. In the Benton Harbor area, MDEQ projects that VOC and NO_X emissions will decrease by 6.36 tpd and 11.80 tpd, respectively. In the Cass County area, MDEQ projects that VOC and NO_X emissions will decrease by 2.24 tpd and 2.73 tpd, respectively.

As part of its maintenance plan, the State elected to include a ''safety margin'' for the areas. A ''safety margin'' is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan which continues to demonstrate attainment of the standard. The attainment level of emissions is the level of emissions during one of the years in which the area met the NAAQS. The Flint, Muskegon, Benton Harbor, and Cass County areas attained the 8-hour ozone NAAQS during the 2004–2006 time period. Michigan used 2005 as the attainment level of emissions for the areas. For Flint, the emissions from point, area, nonroad, and mobile sources in 2005 equaled 71.17 tpd of total VOC. MDEQ projected VOC emissions out to the year 2018 to be 53.48 tpd of total VOC. The SIP submission demonstrates that the Flint area will continue to maintain the standard with emissions at this level. The safety margin for VOC is calculated to be the difference between these amounts or, in this case, 17.69 tpd of total VOC for 2018. By this same method, 29.52 tpd (i.e., 52.03 tpd less 22.51 tpd) is the safety margin for NO_X for 2018. For the Muskegon area, 4.89 tpd and 9.18 tpd are the safety margins for VOC and NO_X, respectively. For the Benton Harbor area, 6.36 tpd and 11.80 tpd are the safety margins for VOC and NO_X, respectively. For the Cass County area, 2.24 tpd and 2.73 tpd are the safety margins for VOC and NO_X, respectively. The safety margin, or a portion thereof, can be allocated to any of the source categories, as long as the total attainment level of emissions is maintained.

d. *Monitoring Network.* Michigan currently operates two ozone monitors in the Flint area, and one ozone monitor each in Muskegon, Benton Harbor, and Cass County areas. MDEQ has committed to continue operating and maintaining an approved ozone monitor network in accordance with 40 CFR part 58.

e. *Verification of Continued Attainment.* Continued attainment of the ozone NAAQS in the Flint, Muskegon, Benton Harbor, and Cass County areas depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The State's plan for verifying continued attainment of the 8-hour standard in the Flint, Muskegon, Benton Harbor, and Cass County areas consists of plans to continue ambient ozone monitoring in accordance with the requirements of 40 CFR part 58. In addition, MDEQ will periodically review and revise if necessary the VOC and NO_X emissions inventories for the Flint, Muskegon, Benton Harbor, and Cass County areas, as required by the Consolidated Emissions Reporting Rule (40 CFR part 51), to track levels of emissions in the future.

f. *Contingency Plan.* The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must include a requirement that the state will implement all measures with respect to control of the pollutant(s) that were contained in the SIP before redesignation of the area to attainment. See section 175A(d) of the CAA.

As required by section 175A of the CAA, Michigan has adopted a contingency plan for the Flint, Muskegon, Benton Harbor, and Cass County areas to address possible future ozone air quality problems. The contingency plan adopted by Michigan has two levels of response, depending on whether a violation of the 8-hour ozone standard is only threatened (Action Level Response) or has occurred (Contingency Measure Response).

An Action Level Response will occur when a two-year average fourth-high monitored daily peak 8-hour ozone concentration of 85 ppb or higher is monitored within an ozone maintenance area. An Action Level Response will consist of Michigan performing a review of the circumstances leading to the high monitored values. MDEQ will conduct this review within six months following the close of the ozone season. If MDEQ determines that contingency measure implementation is necessary to prevent a future violation of the NAAQS, MDEQ will select and implement a measure that can be implemented promptly.

A Contingency Measure Response will be triggered by a violation of the standard (a 3-year average of the annual

fourth-highest daily maximum 8-hour average ozone concentration of 85 ppb or greater). When a Contingency Measure Response is triggered, Michigan will select one or more control measures for implementation. The timing for implementation of a contingency measure is dependent on the process needed for legal adoption and source compliance which varies for each measure. MDEQ will expedite the process of adopting and implementing the selected measures, with a goal of having measures in place as expeditiously as practicable within 18 months. EPA is interpreting this commitment to mean that the contingency measure will be adopted and implemented within 18 months.

Contingency measures contained in the maintenance plans are those emission controls or other measures that Michigan may choose to adopt and implement to correct possible air quality problems. These include the following:

i. Lower Reid vapor pressure gasoline requirements;

ii. Reduced VOC content in Architectural, Industrial, and Maintenance (AIM) coatings rule;

iii. Auto body refinisher self-certification audit program;

iv. Reduced VOC degreasing rule;

v. Transit improvements;

vi. Diesel retrofit program;

vii. Reduced VOC content in commercial and consumer products rule;

viii. Reduce idling program.

g. *Provisions for Future Updates of the Ozone Maintenance Plan.* As required by section 175A(b) of the CAA, Michigan commits to submit to the EPA an updated ozone maintenance plan eight years after redesignation of the Flint, Muskegon, Benton Harbor, and Cass County areas to cover an additional 10-year period beyond the initial 10-year maintenance period. Michigan has committed to retain the control measures for VOC and NO_X emissions that were contained in the SIP before redesignation of the areas to attainment, as required by section 175(A) of the CAA.

EPA has concluded that the maintenance plan adequately addresses the five basic components of a maintenance plan: attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan. The maintenance plan SIP revision submitted by Michigan for the Flint, Muskegon, Benton Harbor, and Cass County areas meets the requirements of section 175A of the CAA.

ii. Adequacy of Michigan's Motor Vehicle Emissions Budgets (MVEBs)

1. How Are MVEBs Developed and What Are the MVEBs for the Flint, Muskegon, Benton Harbor, and Cass Areas?

Under the CAA, states are required to submit, at various times, control strategy SIP revisions and ozone maintenance plans for ozone nonattainment areas and for areas seeking redesignations to attainment of the ozone standard. These emission control strategy SIP revisions (e.g., reasonable further progress SIP and attainment demonstration SIP revisions) and ozone maintenance plans create MVEBs based on onroad mobile source emissions for criteria pollutants and/or their precursors to address pollution from cars and trucks. The MVEBs are the portions of the total allowable emissions that are allocated to highway and transit vehicle use that, together with emissions from other sources in the area, will provide for attainment or maintenance.

Under 40 CFR part 93, a MVEB for an area seeking a redesignation to attainment is established for the last year of the maintenance plan. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB if needed.

Under section 176(c) of the CAA, new transportation projects, such as the construction of new highways, must ''conform'' to (i.e., be consistent with) the part of the SIP that addresses emissions from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the NAAQS. If a transportation plan does not conform, most new transportation projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP.

When reviewing SIP revisions containing MVEBs, including attainment strategies, rate-of-progress plans, and maintenance plans, EPA must affirmatively find that the MVEBs are ''adequate'' for use in determining transportation conformity. Once EPA affirmatively finds the submitted MVEBs to be adequate for transportation conformity purposes, the MVEBs are used by state and federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA. EPA's substantive criteria for determining the adequacy of MVEBs are set out in 40 CFR 93.118(e)(4).

EPA's process for determining adequacy of a MVEB consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the MVEB during a public comment period; and (3) EPA's finding of adequacy. The process of determining the adequacy of submitted SIP MVEBs was initially outlined in EPA's May 14, 1999, guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' This guidance was codified in the Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments—Response to Court Decision and Additional Rule Change,'' published on July 1, 2004 (69 FR 40004). EPA follows this guidance and rulemaking in making its adequacy determinations.

The Flint, Muskegon, Benton Harbor, and Cass County areas' maintenance plans contain new VOC and NO_X MVEBs for the year 2018. The availability of the SIP submission with these 2018 MVEBs was announced for public comment on EPA's Adequacy Web page on August 4, 2006, at: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.* The EPA public comment period on adequacy of the 2018 MVEBs for the Flint, Muskegon, Benton Harbor, and Cass County areas closed on September 5, 2006. No requests for this submittal or adverse comments on this submittal were received during the adequacy comment period. In a November 29, 2006 letter, EPA informed MDEQ that we had found the 2018 MVEBs to be adequate for use in transportation conformity analyses.

EPA, through this rulemaking, is proposing to approve the MVEBs for use to determine transportation conformity in the Flint, Muskegon, Benton Harbor, and Cass County areas because EPA has determined that the areas can maintain attainment of the 8-hour ozone NAAQS for the relevant maintenance period with mobile source emissions at the levels of the MVEBs. MDEQ has determined the 2018 MVEBs for the Flint area to be 25.68 tpd for VOC and 37.99 tpd for NO_X. These MVEBs exceed the onroad mobile source VOC and NO_X emissions projected by MDEQ for 2018,

as summarized in Table 9 (''onroad'' source sector), above, because MDEQ decided to include safety margins (described further below) of 15.92 tpd of VOC and 26.56 tpd for NO_X in the MVEBs to provide for mobile source growth. Michigan has demonstrated that the Flint area can maintain the 8-hour ozone NAAQS with mobile source emissions of 25.68 tpd of VOC and 37.99 tpd of NO_X in 2018, including the allocated safety margins, since emissions will still remain under attainment year emission levels.

MDEQ has determined the 2018 MVEBs for the Muskegon area to be 6.67 tpd for VOC and 11.0 tpd for NO_X. These MVEBs exceed the onroad mobile source VOC and NO_X emissions projected by MDEQ for 2018, as summarized in Table 10 (''onroad'' source sector), above, because MDEQ decided to include safety margins of 4.40 tpd of VOC and 8.26 tpd for NO_X in the MVEBs to provide for mobile source growth. Michigan has demonstrated that the Muskegon area can maintain the 8-hour ozone NAAQS with mobile source emissions of 6.67 tpd of VOC and 11.0 tpd of NO_X in 2018, including the allocated safety margins, since emissions will still remain under attainment year emission levels.

MDEQ has determined the 2018 MVEBs for the Benton Harbor area to be 9.16 tpd for VOC and 15.19 tpd for NO_X. These MVEBs exceed the onroad mobile source VOC and NO_X emissions projected by MDEQ for 2018, as summarized in Table 11 (''onroad'' source sector), above, because MDEQ decided to include safety margins of 5.72 tpd of VOC and 10.62 tpd for NO_X in the MVEBs to provide for mobile source growth. Michigan has demonstrated that the Benton Harbor area can maintain the 8-hour ozone NAAQS with mobile source emissions of 9.16 tpd of VOC and 15.19 tpd of NO_X in 2018, including the allocated safety margins, since emissions will still remain under attainment year emission levels.

MDEQ has determined the 2018 MVEBs for the Cass County area to be 2.76 tpd for VOC and 3.40 tpd for NO_X. It should be noted that these MVEBs exceed the onroad mobile source VOC and NO_X emissions projected by MDEQ for 2018, as summarized in Table 12 (''onroad'' source sector), above. MDEQ decided to include safety margins (described further below) of 2.02 tpd of VOC and 2.46 tpd for NO_X in the MVEBs to provide for mobile source growth. Michigan has demonstrated that the Cass County area can maintain the 8-hour ozone NAAQS with mobile source emissions of 2.76 tpd of VOC and 3.40 tpd of NO_X in 2018, including the allocated safety margins, since emissions will still remain under attainment year emission levels.

2. What Is a Safety Margin?

A ''safety margin'' is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. As noted in Table 9, the Flint area total VOC and NO_X emissions are projected to have safety margins of 17.69 tpd for VOC and 29.52 tpd for NO_X in 2018 (the difference between the attainment year, 2005, emissions and the 2018 emissions for all sources in the Flint area). As noted in Table 10, the Muskegon area VOC and NO_X emissions are projected to have safety margins of 4.89 tpd and 9.18 tpd, respectively. As noted in Table 11, the Benton Harbor area VOC and NO_X emissions are projected to have safety margins of 6.36 tpd and 11.80 tpd, respectively. As noted in Table 12, the Cass County area VOC and NO_X emissions are projected to have safety margins of 2.24 tpd and 2.73 tpd, respectively. Even if emissions reached the full level of the safety margin, the counties would still demonstrate maintenance, since emission levels would equal those in the attainment year.

The MVEBs requested by MDEQ contain safety margins for mobile sources smaller than the allowable safety margins reflected in the total emissions for the Flint, Muskegon, Benton Harbor, and Cass County areas. The State is not requesting allocation of the entire available safety margins reflected in the demonstration of maintenance. Therefore, even though the State is requesting MVEBs that exceed the projected onroad mobile source emissions for 2018 contained in the demonstration of maintenance, the increase in onroad mobile source emissions that can be considered for transportation conformity purposes is well within the safety margins of the ozone maintenance demonstration. Further, once allocated to mobile sources, these safety margins will not be available for use by other sources.

VIII. What Actions Is EPA Taking Today?

EPA is proposing to make determinations that the Flint, Muskegon, Benton Harbor, and Cass County areas have attained the 8-hour ozone NAAQS, and EPA is proposing to approve the redesignations of the Flint, Muskegon, Benton Harbor, and Cass County areas from nonattainment to attainment for the 8-hour ozone NAAQS. After evaluating Michigan's redesignation requests, EPA has determined that they meet the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. The final approvals of these redesignation requests would change the official designations for the Flint, Muskegon, Benton Harbor, and Cass County areas from nonattainment to attainment for the 8-hour ozone standard.

EPA is also proposing to approve the maintenance plan SIP revisions for the Flint, Muskegon, Benton Harbor, and Cass County areas. EPA's proposed approval of the maintenance plans is based on Michigan's demonstration that the plans meet the requirements of section 175A of the CAA, as described more fully above. Additionally, EPA is finding adequate and proposing to approve the 2018 MVEBs submitted by Michigan in conjunction with the redesignation requests.

IX. Statutory and Executive Order Reviews.

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, therefore, is not subject to review by the Office of Management and Budget.

Paperwork Reduction Act

This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

This proposed action merely proposes to approve state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(E) of the Clean Air Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule proposes to approve pre-existing requirements under state law, and does not impose any additional enforceable duty beyond that required by state law, it 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).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). Redesignation is an action that merely affects the status of a geographical area, does not impose any new requirements on sources, or allows a state to avoid adopting or implementing other requirements, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (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 also does not have tribal implications, as specified in Executive Order 13175, because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands. Thus, Executive Order 13175 does not apply to this rule.

Although Executive Order 13175 does not apply to this rule, EPA met with interested tribes in Michigan to discuss the redesignation process and the impact of a change in designation status of these areas on the tribes.

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

This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

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

Because it is not a ''significant regulatory action'' under Executive Order 12866 or a ''significant energy action,'' this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTA), 15 U.S.C. 272, requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus to carry out policy objectives, so long as such standards are not inconsistent with applicable law or otherwise impracticable. In reviewing program submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Absent a prior existing requirement for the state to use voluntary consensus standards, EPA has no authority to disapprove a program submission for failure to use such standards, and it would thus be inconsistent with applicable law for EPA to use voluntary consensus standards in place of a program submission that otherwise satisfies the provisions of the Act. Redesignation is an action that affects the status of a geographical area but does not impose any new requirements on sources. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: December 21, 2006.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. E6–22616 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2006–0891; FRL–8266–4]

Redesignation of Jefferson County, Ohio To Attainment of the 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On July 31, 2006, and supplemented on October 3, 2006, the Ohio Environmental Protection Agency (Ohio EPA) submitted: a request for EPA approval of redesignation of Jefferson County to attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS), and a request for EPA approval of a State Implementation Plan (SIP) revision for the ozone maintenance plan for Jefferson County. Jefferson County is the Ohio portion of the Steubenville-Weirton, WV-OH 8-hour ozone nonattainment area. EPA is proposing to determine that this area has attained the 8-hour ozone NAAQS, based on three years of complete, quality-assured ambient air quality monitoring data. Preliminary, non-quality assured data for the 2006 ozone season show that the area continues to attain the NAAQS. EPA is also proposing approval of Ohio's ozone maintenance plan for Jefferson County as a revision to the Ohio SIP and the State's request to redesignate Jefferson County to attainment of the 8-hour ozone NAAQs. Finally, EPA is proposing to approve the Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_X) Motor Vehicle Emission Budgets (MVEBs) for Jefferson County, as supported by the ozone maintenance plan for this County, for purposes of conformity determinations.

DATES: Comments must be received on or before February 7, 2007. Submit your comments, identified by Docket ID No. EPA–R05–OAR–2006–0891, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- E-mail: *mooney.john@epa.gov.*
- Fax: (312) 886–5824.
- Mail: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
- Hand Delivery: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago,

Illinois. Such deliveries are only accepted during the Regional Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office's official hours of operation are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

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FOR FURTHER INFORMATION CONTACT: Jennifer Dunn, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch, (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–5899, *dunn.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. This supplementary information section is arranged as follows:

I. What Actions Are EPA Proposing To Take?
II. What Is the Background for These Actions?
III. What Are the Criteria for Redesignation to Attainment?
IV. What Are EPA's Analyses of the State's Requests and What Are the Bases for EPA's Proposed Actions?
V. Has Ohio Adopted Acceptable Motor Vehicle Emissions Budgets for the End Year of the Ozone Maintenance Plans Which Can Be Used To Support Conformity Determinations?
VI. What Are the Effects of EPA's Proposed Actions?
VII. Statutory and Executive Order Reviews

I. What Actions Are EPA Proposing To Take?

We are proposing to take several related actions for Jefferson County, Ohio. First, we are proposing to determine that Jefferson County has attained the 8-hour ozone NAAQS.

Second, we are proposing to approve Ohio's ozone maintenance plan for Jefferson County as a requested revision of the Ohio SIP. The maintenance plan is designed to keep Jefferson County and, in conjunction with a West Virginia ozone maintenance plan for Hancock and Brooke Counties, the entire Steubenville-Weirton, WV-OH area in attainment of the 8-hour ozone NAAQS for the next 12 years, through 2018.

Third, we are proposing to find that Jefferson County and the State of Ohio have met the requirements for redesignation to attainment of the 8-hour ozone NAAQS under section 107(d)(3)(E) of the Clean Air Act (CAA). We are, therefore, proposing to approve the July 31, 2006, and October 3, 2006, requests from the State of Ohio to change the designation of Jefferson County from nonattainment to attainment of the 8-hour ozone NAAQS.[1]

Fourth, as supported by and consistent with the ozone maintenance plan, we are also proposing to approve the 2018 VOC and NO_X MVEBs for Jefferson County for conformity determination purposes.

These proposed actions pertain to the designation of Jefferson County for the 8-hour ozone NAAQS, and to the VOC and NO_X emission controls in this County related to attainment and maintenance of the 8-hour ozone NAAQS. If you own or operate a VOC or NO_X emissions source in this County or live in this County, this proposed rule may impact or apply to you. It may impact you if you are involved in transportation planning or implementation of emission controls in this area. Finally, it may also impact you if you breathe the air in Jefferson County or the air which has passed through Jefferson County or the Steubenville-Weirton area as a whole.

II. What Is the Background for These Actions?

EPA has determined that ground-level ozone is detrimental to human health. On July 18, 1997, EPA promulgated an 8-hour ozone NAAQS (62 FR 38856) of 0.08 parts per million parts of air (0.08 ppm) (80 parts per billion (ppb)).[2] This 8-hour ozone standard replaced a prior 1-hour ozone NAAQS, which was promulgated on February 8, 1979 (44 FR 8202) and revoked on June 15, 2005.

Ground-level ozone is not emitted directly by sources. Rather, emitted NO_X and VOC react in the presence of sunlight to form ground-level ozone along with other secondary compounds. NO_X and VOC are referred to as ''ozone precursors.''

The CAA required EPA to designate as nonattainment any area that violated the 8-hour ozone NAAQS. The three most recent years of ozone data at the time (2001–2003 when the 8-hour ozone designations were initially established) were considered to establish the ozone designations. The **Federal Register** notice making these designations was published on April 30, 2004 (69 FR 23857).

The CAA contains two sets of provisions—subpart 1 and subpart 2—that address planning and emission control requirements for nonattainment areas. (Both are found in title I, part D of the CAA). Subpart 1 contains general, less prescriptive requirements for nonattainment areas for any pollutant

[1] A separate proposed rule from EPA published on October 2, 2006 (71 FR 57905) addresses a request from the State of West Virginia to redesignate Hancock and Brooke Counties, West Virginia to attainment of the 8-hour ozone NAAQS.

[2] This standard is violated in an area when any ozone monitor in the area (or in its impacted downwind environs) records 8-hour ozone concentrations with a three year average of the annual fourth-highest daily maximum 8-hour ozone concentrations equaling or exceeding 85 ppb.

governed by a NAAQS, and applies to all nonattainment areas. Subpart 2 contains more specific requirements for certain ozone nonattainment areas, and applies to ozone nonattainment areas classified under section 181 of the CAA.

In the April 30, 2004, designation rulemaking, EPA divided 8-hour ozone nonattainment areas into the categories of subpart 1 nonattainment (''basic'' nonattainment) and subpart 2 nonattainment (''classified'' nonattainment) based on their 8-hour ozone design values (i.e., on the three-year average of the annual fourth-highest daily maximum 8-hour ozone concentrations at the worst-case monitoring sites in the designated areas) and on their 1-hour ozone design values (i.e., on the fourth-highest daily maximum 1-hour ozone concentrations over the three-year period at the worst-case monitoring sites in the designated areas).[3] 8-hour ozone nonattainment areas with 1-hour ozone design values equaling or exceeding 121 ppb were designated as subpart 2, classified nonattainment areas. Classification of the subpart 2 nonattainment areas were based on the levels of the monitored 8-hour ozone design values for each nonattainment area. All other 8-hour nonattainment areas were designated as subpart 1, basic nonattainment areas, which have no area-specific classifications.

Emission control requirements for classified nonattainment areas are linked to area classifications. Areas with more serious ozone pollution problems are subject to more prescribed requirements. The requirements are designed to bring areas into attainment by their specified attainment dates, which also depend on the area classifications. For example, marginal nonattainment areas are subject to the fewest mandated control requirements and have the earliest attainment deadline. Severe nonattainment areas are required to meet more mandated emission controls than marginal areas, including tighter restrictions on the sizes of existing VOC and NO_X sources required to install emission controls, tighter restrictions on mandated emission controls, and offsetting of new sources. Severe nonattainment areas also have a later attainment deadline. In contrast, the attainment deadline for basic nonattainment areas does not depend on the magnitude of the area 8-hour ozone design values.

[3] The 8-hour ozone design value and the 1-hour ozone design value for each area were not necessarily recorded at the same monitoring site. The worst-case monitoring site for each ozone concentration averaging time was considered for each area.

Under EPA regulations at 40 CFR part 50, the 8-hour ozone standard is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm (i.e., less than or equal to 0.084 ppm or 84 ppb based on data rounding conventions specified in appendix I of 40 CFR part 50) over the most recent three-year period at all monitors in an area and in its impacted downwind environs (See 69 FR 23857 (April 30, 2004) for further information). Such supporting data must meet a minimum data completeness requirement. The completeness requirement (specified in appendix I of 40 CFR part 50) for ozone data supporting a determination of attainment and a redesignation to attainment is met when the annual average percent of days with valid ambient monitoring data is greater than 90 percent for the ozone seasons during the three-year period, with no single year with less than 75 percent data completeness during the ozone season.

In the April 30, 2004, designation/classification rulemaking, the Steubenville-Weirton, WV-OH area, including Jefferson County, was designated as subpart 1 nonattainment for the 8-hour ozone standard. The designation was based on ozone data collected during the 2001–2003 period.

On July 31, 2006, the State of Ohio submitted a draft request for redesignation of Jefferson County to attainment of the 8-hour ozone NAAQS based on ozone data collected in the Steubenville-Weirton WV-OH area during the 2003–2005 period. On October 3, 2006, the State of Ohio completed the ozone redesignation request by submitting documentation of the public hearing conducted by the State for the redesignation request and ozone maintenance plan. The information contained in the State's July 31, 2006, ozone redesignation request submittal was unchanged through the State's public review process (summarized in the October 3, 2006, submittal). The State of West Virginia has also submitted an ozone redesignation request for the West Virginia portion of the Steubenville-Weirton, WV-OH area (for Hancock and Brooke Counties). A separate proposed rule from EPA published on October 2, 2006 (71 FR 57905), addresses this request.

III. What Are the Criteria for Redesignation to Attainment?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided that: (1) The Administrator determines that the area has attained the applicable NAAQS based on current air quality data; (2) the Administrator has fully approved the applicable state implementation plan for the area under section 110(k) of the CAA; (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable emission reductions resulting from implementation of the applicable SIP, Federal air pollution control regulations, and other permanent and enforceable emission reductions; (4) the Administrator has fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA; and, (5) the state containing the area has met all requirements applicable to the area under section 110 and part D of the CAA.

EPA provided guidance on redesignations in the General Preamble for the Implementation of Title I of the CAA Amendments of 1990 on April 16, 1992 (57 FR 13498), and supplemented this guidance on April 28, 1992 (57 FR 18070). EPA provided further guidance on processing redesignation requests in the following documents:

''Ozone and Carbon Monoxide Design Value Calculations,'' Memorandum from Bill Laxton, June 18, 1990;

''Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992;

''Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992;

''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992;

''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (Act) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992;

''Technical Support Documents (TSDs) for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, August 17, 1993;

''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air

Quality Standards (NAAQS) On or After November 15, 1992,'' Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993;

''Use of Actual Emissions in Maintenance Demonstrations for Ozone and CO Nonattainment Areas,'' Memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993;

''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994; and,

''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995.

IV. What Are EPA's Analyses of the State's Requests and What Are the Bases for EPA's Proposed Actions?

EPA is proposing to: (1) Determine that Jefferson County has attained the 8-hour ozone standard; (2) approve the ozone maintenance plan for this County and the VOC and NO_X MVEBs supported by the ozone maintenance plan; and, (3) approve the redesignation of this County to attainment of the 8-hour ozone NAAQS. The bases for our proposed determination and approvals are as follows:

1. Jefferson County and the Steubenville-Weirton, WV-OH Area Have Attained the 8-Hour Ozone NAAQS

Analyses of the attainment of the 8-hour ozone NAAQS are conducted in accordance with 40 CFR 50.10 and 40 CFR part 50 appendix I. These analyses use the most recent three complete, consecutive calendar years of quality-assured air quality monitoring data at all monitoring sites in the area and in its impacted downwind environs. To attain this standard, the average of the annual fourth-high daily maximum 8-hour average ozone concentrations measured and recorded at each monitor (the monitoring site's ozone design value) within the area and in its impacted downwind environs over the most recent three-year period must not exceed the ozone standard. Based on the ozone data rounding convention described in 40 CFR part 50 appendix I, the 8-hour ozone standard is attained if the area's ozone design value[4] is 0.084 ppm (84 ppb) or less. The data must be collected and quality-assured in accordance with 40 CFR part 50, and must be recorded in EPA's Air Quality System (AQS). The ozone monitors generally should have remained at the same locations for the duration of the monitoring period required to demonstrate attainment (for three years or more).

As part of the July 31, 2006, ozone redesignation request, the Ohio EPA submitted summarized ozone monitoring data indicating the top four daily maximum 8-hour ozone concentrations for each monitoring site in the Steubenville-Weirton, WV-OH area during the 2002–2005 period. These summarized worst-case ozone concentrations are part of the quality-assured ozone data collected in this area and recorded in the AQS. The annual fourth-high 8-hour daily maximum concentrations for each year during the 2003–2005 period, along with the three-year averages, are summarized in Table 1 for Jefferson County, Ohio and Hancock County, West Virginia. All monitoring sites achieved at least 99% data completeness.

TABLE 1.—ANNUAL FOURTH-HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS IN PARTS PER MILLION (PPM) FOR JEFFERSON COUNTY, OHIO AND HANCOCK COUNTY, WEST VIRGINIA *

County	Monitoring site	2003	2004	2005	Average
Jefferson County, Ohio	227 North 5h	0.079	.....	.....	.....
	618 Logan	.....	0.071	0.083	0.078
Hancock County, West Virginia	Oak St. & Owin	0.077	0.073	0.075	0.075

* Data for Hancock County was included in appendix A of the Ohio EPA's submission and is used in Table 1. The data table in the main body of the State's submission included data for Ohio County, West Virginia (part of the Wheeling area and not part of the Steubenville-Weirton area) rather than Hancock County, West Virginia.

The monitoring site in Jefferson County was relocated to a site ⅓ mile from the original site after 2003 because Ohio EPA lost access to the original site. The new site meets all citing criteria described in 40 CFR 58 Appendix E. The original and final sites are sufficiently close to each other, and removed from sources of ozone precursors such that the two sites represent the same air quality. Therefore, the data from the two sites can be combined when calculating the three-year average ozone concentration in Table 1.

The monitored ozone concentrations for 2003–2005 show that the entire Steubenville-Weirton, WV-OH area has attained the 8-hour ozone standard. The current three-year average (2003–2005) for Jefferson County, Ohio is 0.078 ppm. The current three-year average (2003–2005) for Hancock County, West Virginia is 0.075 ppm. The data collected at the Jefferson County and Hancock County, West Virginia monitoring sites show that the area satisfies the CAA requirement that the ozone standard must be attained at all sites in and around the ozone nonattainment area. The three-year ozone design value for the nonattainment area is less than 0.085 ppm. Furthermore, available (non-quality assured) ozone monitoring data from 2006 indicates that this area continues to attain the ozone NAAQs.

The Ohio Environmental Protection Agency and the West Virginia Department of Environmental Protection have committed to continue ozone monitoring in this area as part of the State's ozone maintenance plan. This commitment meets a redesignation requirement, in accordance with 40 CFR part 58, that ozone monitoring will be continued to assure continued attainment of the 8-hour ozone standard. Furthermore, the Ohio Environmental Protection Agency and the West Virginia Department of Environmental Protection will consult with EPA prior to altering the existing

[4] The worst-case monitoring site-specific ozone design value in the area or in its impacted downwind environs.

monitoring network if changes become necessary in the future. The two states will continue to quality assure the data to meet the requirements of 40 CFR 58 and all other federal requirements. The data will be available in real time on the Ohio Environmental Protection Agency's Web site and will be entered into AQS on a timely basis and in accordance with federal guidelines.

We find that the ozone monitoring data submitted by the States of Ohio and West Virginia provide an adequate demonstration that the Steubenville-Weirton, WV-OH area has attained the 8-hour ozone NAAQS. Therefore, we propose to determine that Jefferson County, Ohio, as part of the Steubenville-Weirton, WV-OH area, has attained the 8-hour ozone NAAQS.

2. Jefferson County and the State of Ohio Have Met All Applicable Requirements Under Section 110 and Part D of the CAA and This Area Has a Fully Approved SIP Under Section 110(k) of the CAA

We have determined that Jefferson County and the State of Ohio have met all currently applicable SIP requirements for Jefferson County under section 110 of the CAA (general SIP requirements). We have determined that the Ohio SIP meets the currently applicable SIP requirements under subpart 1 part D of title I of the CAA (requirements specific to basic ozone nonattainment areas). See section 107(d)(3)(E)(v) of the CAA. In addition, we have determined that all applicable requirements are approved into the Ohio SIP. See section 107(d)(3)(E)(ii) of the CAA. In making these determinations, we determined the CAA requirements which are applicable to Jefferson County, and determined that the applicable portions of the SIP meeting these requirements are fully approved under section 110(k) of the CAA. We note that SIPs must be fully approved only with respect to currently applicable requirements of the CAA, which in this case are those CAA requirements applicable to Jefferson County at the time the State submitted a complete ozone redesignation request for this area, on October 3, 2006.

a. *Jefferson County has met all applicable requirements under section 110 and part D of the CAA.* The September 4, 1992, Calcagni memorandum (see ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992) describes EPA's interpretation of section 107(d)(3)(E) of the CAA. To qualify for redesignation to attainment under this interpretation, the state and the area must meet the relevant CAA requirements that apply at the time of the State's submittal of a complete redesignation request for the area. See also the September 17, 1993, Michael Shapiro memorandum, and 66 FR 12459, 12465–12466 (March 7, 1995) (redesignation of Detroit-Ann Arbor, Michigan to attainment of the 1-hour ozone NAAQS). Applicable requirements of the CAA that come due subsequent to the state's submittal of a complete redesignation request remain applicable until a redesignation of the area to attainment of the standard is approved, but are not required as prerequisites to redesignation. See section 175A(c) of the CAA. *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004). See also 68 FR 25424, 25427 (May 12, 2003) (redesignation of the St. Louis/East St. Louis area to attainment of the 1-hour ozone NAAQS).

General SIP requirements: Section 110(a) of title I of the CAA contains the general requirements for a SIP, which include: enforceable emission limitations and other control measures, means, or techniques; provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality; and programs to enforce the emission limitations. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These SIP elements and requirements include, but are not limited to, the following: (a) Submittal of a SIP that has been adopted by the State after reasonable public notice and a hearing; (b) provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; (c) implementation of a source permit program; (d) provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and part D requirements (New Source Review (NSR)) for new sources or major source modifications; (e) criteria for stationary source emission control measures, monitoring, and reporting; (f) provisions for air quality modeling; and, (g) provisions for public and local agency participation.

SIP requirements and elements are discussed in the following EPA documents: ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992; ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or After November 15, 1992,'' Memorandum from Michael H. Shapiro, Acting Assistant Administrator, September 17, 1993. See also other guidance documents listed above.

Section 110(a)(2)(D) of the CAA requires SIPs to contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA required states to establish programs to address transport of air pollutants (NO_X SIP call and Clean Air Interstate Rule (CAIR)). EPA has also found, generally, that states have not submitted SIPs under section 110(a)(1) of the CAA to meet the interstate transport requirements of section 110(a)(2)(D)(i) of the CAA (70 FR 21147, April 25, 2005). However, the section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's classification. EPA believes that the requirements linked with a particular nonattainment area's classification are the relevant measures to evaluate when reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state.

We believe that these requirements should not be construed to be applicable requirements for purposes of redesignation. Further, we believe that the other section 110 elements described above that are not connected with nonattainment plan submissions and that are not linked with an area's attainment status are also not applicable requirements for purposes of redesignation. A state remains subject to these requirements after an area is redesignated to attainment. We conclude that only the section 110 and part D requirements which are linked with an area's designation and classification are the relevant measures for evaluating this aspect of a redesignation request. This approach is consistent with EPA's policy on applicability of conformity and oxygenated fuels requirements for redesignation purposes, as well as with section 184 ozone transport requirements. See: Reading, Pennsylvania proposed and final rulemakings (61 FR 53174–53176, October 10, 1996 and 62 FR 24826, May 7, 1997); Cleveland-Akron-Lorain, Ohio final rulemaking (61 FR 20458, May 7,

1996); and Tampa, Florida final rulemaking (60 FR 62748, December 7, 1995). See also the discussion on this issue in the Cincinnati, Ohio ozone redesignation (65 FR 37890, June 19, 2000), and the Pittsburgh, Pennsylvania ozone redesignation (66 FR 50399, October 19, 2001).

We believe that section 110 elements not linked to the area's nonattainment status are not applicable for purposes of redesignation. Nonetheless, we also note that EPA has previously approved provisions in the Ohio SIP addressing section 110 elements under the 1-hour ozone standard. We have analyzed the Ohio SIP as codified in 40 CFR part 52, subpart KK and have determined that it is consistent with the requirements of section 110(a)(2) of the CAA. The SIP, which has been adopted after reasonable public notice and hearing, contains enforceable emission limitations; requires monitoring, compiling, and analyzing ambient air quality data; requires preconstruction review of new major stationary sources and major modifications of existing sources; provisions for adequate funding, staff, and associated resources necessary to implement its requirements; requires stationary source emissions monitoring and reporting; and otherwise satisfies the applicable requirements of section 110(a)(2).

Part D SIP requirements: EPA has determined that the Ohio SIP meets applicable SIP requirements under part D of the CAA. Under part D, an area's classification (subpart 1, marginal, moderate, serious, severe, and extreme) indicates the requirements to which it will be subject. Subpart 1 of part D, found in sections 172–176 of the CAA, sets forth the basic nonattainment area plan requirements applicable to all nonattainment areas. Subpart 2 of part D, found in section 182 of the CAA, establishes additional specific requirements depending on the area's nonattainment classification.

Part D, subpart 1 requirements: For purposes of evaluating this redesignation request, the applicable subpart 1 part D requirements for all nonattainment areas are contained in sections 172(c)(1)–(9) and 176. A thorough discussion of the requirements of section 172 can be found in the General Preamble for Implementation of Title I (57 FR 13498). See also 68 FR 4852–4853, a notice of proposed rulemaking for an ozone redesignation for the St. Louis area, for a discussion of section 172 requirements.

No requirements for 8-hour ozone under part D of the CAA came due for Jefferson County prior to the State's submittal (October 3, 2006) of a complete ozone redesignation request for this area. For example, the requirement for an ozone attainment demonstration, as contained in section 172(c)(1), is not yet applicable, nor are the requirements for Reasonably Available Control Measures (RACM) and Reasonably Available Control Technology (RACT) (section 172(c)(1)), Reasonable Further Progress (RFP) (section 172(c)(2)), and attainment plan and RFP contingency measures (section 172(c)(9)). Therefore, none of the part D requirements are applicable to Jefferson County for purposes of redesignation.

Section 176 conformity requirements: Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that Federally supported or funded activities, including highway projects, conform to the air planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. and the Federal Transit Act (transportation conformity) as well as to all other Federally supported or funded projects (general conformity). State conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement and enforceability, which EPA promulgated pursuant to CAA requirements.

In addition to the fact that part D requirements did not become due prior to Ohio's submission of a complete ozone redesignation request for Jefferson County, and, therefore, are not believed by the EPA to be applicable for redesignation purposes in this case, EPA similarly believes that it is reasonable to interpret the conformity requirements as not applying for purposes of evaluating the ozone redesignation request under section 107(d) of the CAA. Further, EPA believes that it is reasonable to interpret the conformity requirements as not applying for purposes of evaluating the ozone redesignation request under section 107(d) of the CAA because state conformity rules are still required after redesignation of areas to attainment of a NAAQS and Federal conformity rules apply where state rules have not been approved. See *Wall* v. *EPA*, 265 F.3d 426 (6th Cir. 2001). See also 60 FR 62748 (December 7, 1995) (Tampa, Florida).

EPA has also determined that areas being redesignated need not comply with the requirement that a New Source Review (NSR) program be approved prior to redesignation, provided that the area demonstrates maintenance of the standard without part D NSR, since Prevention of Significant Deterioration (PSD) requirements will apply after redesignation. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Ohio is not relying on reductions from NSR to attain the ozone standard, and so the State need not have a fully approved part D NSR program prior to approval of the redesignation request. The State's PSD program will become effective in Jefferson County upon redesignation to attainment. See rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996).

EPA approved Ohio's general and transportation conformity SIPs on March 11, 1996 (61 FR 9646) and May 30, 2000 (65 FR 34395), respectively. In its July 31, 2006 submission Ohio included the on-highway motor vehicle emission budgets (MVEB) for 2009 and 2018 that Table 2 outlines. EPA reviewed the budgets for the West Virginia portion of the Steubenville-Weirton area on October 2, 2006 (71 FR 57905).

TABLE 2.—2009 AND 2018 FINAL MVEBS FOR JEFFERSON COUNTY, OHIO

Inventory year	VOC emissions (tpd)	NO_X emissions (tpd)
2009 projected on-road mobile source emissions	2.29	3.57
2009 safety margin allocated to MVEBs	0.34	0.53
2009 MVEBs	2.63	4.10
2018 projected on-road mobile source emissions	1.19	1.45

TABLE 2.—2009 AND 2018 FINAL MVEBS FOR JEFFERSON COUNTY, OHIO—Continued

Inventory year	VOC emissions (tpd)	NO_X emissions (tpd)
2018 safety margin allocated to MVEBs	0.18	0.22
2018 MVEBs	1.37	1.67

The area must use the motor vehicle emissions budgets from the maintenance plan in any conformity determination that is effective on or after the effective date of the maintenance plan approval. We conclude that Jefferson County and the State of Ohio have satisfied all applicable requirements under section 110 and part D of the CAA to the extent that these requirements apply for purposes of reviewing the State's ozone redesignation request for this area.

b. *Jefferson County has a fully approved applicable SIP under section 110(k) of the CAA*. EPA has fully approved the Ohio SIP for Jefferson County under section 110(k) of the CAA for all applicable requirements. EPA may rely on prior SIP approvals in approving a redesignation request (See the September 4, 1992 John Calcagni memorandum, page 3, *Southwestern Pennsylvania Growth Alliance* v. *Browner*, 144 F.3d 984, 989–990 (6th Cir. 1998), *Wall* v. *EPA*, 265 F.3d 426 (6th Cir. 2001)) plus any additional measures it may approve in conjunction with a redesignation action. See 68 FR 25426 (May 12, 2003). Since the passage of the CAA of 1970, Ohio has adopted and submitted, and EPA has fully approved, provisions addressing the various required SIP elements applicable to Jefferson County for purposes of redesignation. No Jefferson County SIP provisions are currently disapproved, conditionally approved, or partially approved. As indicated above, EPA believes that the section 110 elements not connected with nonattainment plan submissions and not linked to the area's nonattainment status are not applicable requirements for purposes of reviewing the State's redesignation request. EPA has also noted that it may conclude that the section 110 SIP submission approved under the 1-hour standard will be adequate for purposes of attaining and maintaining the 8-hour standard. EPA also believes that since the part D requirements for the eight-hour ozone standard did not become due prior to Ohio's submission of a final, complete redesignation request for Jefferson County, they also are not applicable requirements for purposes of redesignation.

3. The Air Quality Improvement in the Steubenville-Weirton, WV-OH Area Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIP, Federal Air Pollution Control Regulations, and Other Permanent and Enforceable Emission Reductions

In making this demonstration, the States of West Virginia[5] and Ohio have documented changes in VOC and NO_X emissions from all anthropogenic (man-made or man-based) sources in the Steubenville-Weirton, WV-OH area occurring between 2002, an ozone standard violation year, and 2004, one of the years in which the Steubenville-Weirton, WV-OH area has recorded attainment of the 8-hour ozone standard. The States have also discussed permanent and enforceable emission reductions that have occurred elsewhere in these two States and in other upwind areas that have contributed to the air quality improvement in the Steubenville-Weirton, WV-OH area. Table 3 summarizes the VOC and NO_X emissions totals from the anthropogenic sources in 2002 and 2004 for the Steubenville-Weirton, WV-OH area.[6] From the Table, it can be seen that VOC emissions have decreased slightly between 2002 and 2004, whereas NO_X emissions have significantly declined between 2002 and 2004.

The States of Ohio and West Virginia conclude that the differences in the 2002 and 2004 emissions are due primarily to the implementation of permanent and enforceable emission control requirements.

TABLE 3.—TOTAL ANTHROPOGENIC VOC AND NO_X EMISSIONS FOR 2002 AND 2004 IN THE STEUBENVILLE-WEIRTON, WV-OH AREA

[Tons per day]

County	Point	Area	Non-road	On-road	Total
2002 Volatile Organic Compounds					
Jefferson County, Ohio	1.1	3.1	1.0	4.2	9.4
Hancock and Brooke Counties, West Virginia	6.7	4.5	1.5	3.2	15.9
2002 Total	7.8	7.6	2.5	7.4	25.3

[5] West Virginia submitted a separate ozone redesignation request for its portion of the Steubenville-Weirton, WV-OH area. The West Virginia redesignation request is being addressed in a separate EPA proposed rule (71 CFR 57905). West Virginia did supply emissions data for the Steubenville-Weirton area to the State of Ohio for inclusion in Ohio's ozone redesignation request. The West Virginia data summarized here are those data provided to the State of Ohio, and may differ from those summarized in the West Virginia ozone redesignation request. We have noticed minor differences in the two sets of data, but emphasize that the differences are minor and primarily due to rounding differences induced by how the two States have handled the summarized data and by how various EPA reviewers have handled and rounded the data in the proposed rules.

[6] Minor differences exist between the emissions summarized in Table 3 and those summarized by the State of Ohio in its July 31, 2006, ozone redesignation request. For purposes of maintaining significant figure consistency and for readability, we have rounded all emissions to one significant decimal place. The State of Ohio has not maintained this consistency, leading to some differences in individual category emissions and in emissions totals.

TABLE 3.—TOTAL ANTHROPOGENIC VOC AND NO_X EMISSIONS FOR 2002 AND 2004 IN THE STEUBENVILLE-WEIRTON, WV-OH AREA—Continued

[Tons per day]

County	Point	Area	Non-road	On-road	Total
2004 Volatile Organic Compounds					
Jefferson County, Ohio	1.2	3.1	0.9	3.6	8.8
Hancock and Brooke Counties, West Virgina	4.8	4.6	1.5	2.6	13.5
2004 Total	6.0	7.7	2.4	6.2	22.3
Difference (2002–2004) [7]	1.8	−0.1	0.1	1.2	3.0
2002 Nitrogen Oxides					
Jefferson County, Ohio	190.0	0.2	2.4	6.3	198.9
Hancock and Brooke Counties, West Virginia	5.9	4.6	4.3	4.3	19.1
2002 Total	195.9	4.8	6.7	10.6	218.0
2004 Nitrogen Oxides					
Jefferson County, Ohio	154.7	0.2	2.3	5.4	162.6
Hancock and Brooke Counties, West Virginia	4.5	4.8	5.3	3.6	18.2
2004 Total	159.2	5.0	7.6	9.0	180.8
Difference (2002–2004)	36.7	−0.2	−0.9	1.6	37.2

The significant decline in NO_X emissions in this area between 2002 and 2004 occurred primarily at Electric Generating Units (EGU) as the result of the implementation of the States' NO_X emission control rules (resulting from the implementation of EPA's NO_X SIP call and acid rain emission controls under title IV of the CAA). NO_X reductions also resulted from tighter federal standards on new vehicles.

We concur with the States that NO_X emissions have been significantly lowered in the Steubenville-Weirton, WV-OH area. We also concur with the States that these emission reductions have contributed to attainment of the 8-hour ozone standard in the Steubenville-Weirton, WV-OH area. Therefore, the State of Ohio has met this criterion for redesignation of Jefferson County to attainment of the 8-hour ozone standard.

Besides implementation of the NO_X emission control rules, additional implemented, or soon to be implemented, emission control rules include several Federal rules: (1) Tier II emission standards for vehicles and gasoline sulfur standards (promulgated by EPA in February 2000 and currently being implemented); (2) heavy-duty diesel engine emission control rules (promulgated by the EPA in July 2000 and currently being implemented; and, (3) clean air non-road diesel rule (promulgated by the EPA in May 2004 and currently being phased in through 2009). All of these rules have contributed to reducing NO_X emissions throughout the States of Ohio and West Virginia and will contribute to future emission reductions in these States.

The State of Ohio commits to continuing the existing VOC and NO_X emission controls after the Steubenville-Weirton, WV-OH area is redesignated to attainment of the 8-hour ozone standard.

4. Jefferson County Has a Fully Approvable Ozone Maintenance Plan Pursuant to Section 175A of the CAA

In conjunction with its request to redesignate Jefferson County to attainment of the ozone NAAQS, Ohio submitted a SIP revision request to provide for maintenance of the 8-hour ozone NAAQS in Jefferson County and in the entire Steubenville-Weirton, WV-OH area through 2018, exceeding the minimum 10 year maintenance period required by the CAA.

a. *What Is Required in an Ozone Maintenance Plan?* Section 175A of the CAA sets forth the required elements of air quality maintenance plans for areas seeking redesignation from nonattainment to attainment of a NAAQS. Under section 175A, a maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves the redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates that maintenance of the standard will continue for 10 years following the initial 10 year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures, with a schedule for implementation, as EPA deems necessary, to assure prompt correction of any future NAAQS violations. The September 4, 1992 John Calcagni memorandum provides additional guidance on the content of maintenance plans. An ozone maintenance plan should, at minimum, address the following items: (1) The attainment VOC and NO_X emissions inventories; (2) a maintenance demonstration showing maintenance for the first 10 years of the maintenance period; (3) a commitment to maintain the existing monitoring network; (4) factors and procedures to be used for verification of continued attainment; and, (5) a contingency plan to prevent and/or correct a future violation of the NAAQS.

b. *What Are the Attainment Emission Inventories for Jefferson County?* Ohio EPA prepared comprehensive VOC and NO_X emission inventories for Jefferson County, including EGU and non-EGU point (significant stationary sources), other (smaller and widely-distributed stationary sources that are also called area sources), Marine, Aircraft, and Rail mobile (MAR), mobile on-road, and mobile non-road sources for 2002 (the base year). To develop the attainment year (2004) and projected maintenance

[7] Positive differences indicate a decrease in emissions over time from 2002 to 2004. Negative differences indicate emissions were increasing over time, primarily as the result of emission changes from source growth exceeding the impacts of implemented emission controls.

years (2009 and 2018) emissions, the Ohio EPA projected the 2002 emissions applying various source category-specific growth factors and emission control factors.

The State has thoroughly documented how the 2002 base year emissions were derived. The following summarizes the procedures and sources of data used by the Ohio EPA to derive the base year emissions.

i. *Point Sources.* The primary source of point source information was facility-specific information collected annually by the State for sources covered by Title V source permits. This information includes emissions, process rates, operating schedules, emissions control data, and other relevant information. The State also used emissions data provided by EPA's EGU emission inventory, maintained to support the NO_X SIP call emissions trading program and the acid rain control program. The sources included in the 2002 point source inventory were identified using Ohio's Title V STARS database. The emissions included in this database are facility-reported actual emissions.

Ohio EPA defines point source process emissions as those that occur at a Title V facility with an identifiable stationary stack or vent. Point source emissions not emitted from discrete stacks or vents are defined to be fugitive emissions. Facility-specific fugitive emissions are also reported by each Title V facility and stored in the Title V STARS database.

Point source emissions included in the 2002 base year emissions inventory were provided to the Lake Michigan Air Directors Consortium (LADCO) in National Emissions Inventory Input Format (NIF) 3.0 format. LADCO imported and processed the NIF files in the Emissions Modeling System (EMS) and applied temporal and spatial profiles to calculate July weekday emissions rates. The Jefferson County emissions derived from this set of emissions data were split into EGU emissions and non-EGU emissions for inclusion in the base year emissions inventory used to support the Jefferson County ozone redesignation request.

ii. *Area (Other) Sources.* Area sources are those sources which are generally small, numerous, and have not been inventoried as specific point, mobile, or biogenic sources. The emissions for these sources are calculated and grouped by source type and are estimated using various surrogates, such as population, energy usage, estimates of employees in various occupational groups and facility-types. The area source emissions are typically defined at the county level.

To estimate the area source emissions, Ohio EPA has either used published Emission Inventory Improvement Program (EIIP) emissions estimation methodologies or other methodologies typically used by other states. Area source categories include: Various stationary combustion sources (not including the EGU sources included in the point source portion of the emissions inventory); human cremation; agricultural pesticides; architectural surface coatings; auto body refinishing; consumer and commercial solvents; degreasing and solvent cleaning (not included in point source emissions); fuel marketing; graphic arts (the emissions from the smaller facilities not included in the Title V STARS database); hospital sterilizers; small industry surface coating; small industry rubber and plastics coating; landfills; portable fuel containers; traffic markings; and Privately Owned Treatment Works (POTWs). The State has documented the data sources and emission factors or calculation procedures used for each of these area source categories.

iii. *Non-Road Mobile Sources.* The non-road mobile source emissions inventory was generated regionally by running EPA's National Mobile Inventory Model (NMIM). The NMIM output was converted to the NIF format and submitted to LADCO for processing in the EMS to obtain spatially and temporally allocated summer emission rates. The basic non-road algorithm for calculating emissions in NMIM uses base year equipment populations, average load factors, available engine powers, activity hours and emission factors to calculate the emissions.

iv. *Marine, Aircraft, and Rail (MAR) Sources.* Due to the significance of the emissions from these source types, the Ohio EPA has decided to treat these source categories separately from other non-road mobile sources. The MAR emissions include emissions from commercial marine, aircraft, and locomotive sources.

Commercial marine vessels consist of several different categories of vessel types. For each vessel type, there are unique engine types, emission rates, and activity data sets. The emissions inventory documentation lists the vessel types and activity data sources by vessel type, along with the spatial range of each vessel type.

Locomotive activity was divided into various rail categories: Class I operations; Class II/III operations; passenger trains; consumer lines; and yard operations. Since Class I operations are expected to be the most significant rail operations in most areas, including Jefferson County, operators of Class I operations were queried for activity and emissions-related information for each railroad line. Class I activity levels were provided by county in terms of ton-miles of freight movement and estimated fuel consumption. This approach provided for more specific estimates of emissions by railroad line. Class I railroads, however, could not provide information about their switching rail activity. Class II/III emissions were based on national fuel consumption and per employee fuel consumption estimates.

EPA provided the aircraft emission estimates based on Federal Aviation Administration (FAA) published Landing and Take-Off (LTO) rates by engine type for each airline and major airport in the State of Ohio. The LTO-engine information was combined with engine type-specific emission factors developed by the International Civil Aviation Organization (ICAO) and, through use of a FAA Emissions and Dispersion Modeling System (EDMS), which calculates aircraft-specific emissions.

LADCO processed all of the MAR emissions data through the EMS to calculate July 2002 summer day emissions for VOC and NO_X.

v. *On-Road Mobile Sources.* A regional transportation model operated by the Brooke, Hancock, Jefferson Transportation Study (BHJTS), West Virginia Department of Transportation (WVDOT), and Ohio Department of Transportation (Ohio DOT) was used to estimate traffic levels, vehicle age and type distributions, vehicle speeds, and other emissions-related vehicle parameters for the roadways in Jefferson County and elsewhere in the Steubenville-Weirton, WV-OH area. This vehicle travel information, along with the MOBILE 6.2 vehicle emission factor model, was used to estimate mobile source VOC and NO_X emissions for Jefferson County and the entire Steubenville-Weirton, WV-OH area.

vi. *Projected Emissions for the Attainment Year.* Ambient air quality data showed that the Steubenville-Weirton, WV-OH area met the 8-hour ozone NAAQS in 2004. Ohio EPA projected point source emissions from the 2002 baseline to 2004 with the statewide EGU NO_X budgets from the Ohio NO_X rule. Mobile source emission projections were based on the MOBILE6.2 model. Ohio EPA also used growth and control files for point, area, and non-road categories that LADCO developed in determining 2004 emissions of NO_X and VOCs for Jefferson County. The State of West Virginia estimated 2004 VOC and NO_X

emissions for its portion of the Steubenville-Weirton, WV-OH area. The estimated 2004 emissions have been compared to the 2002 emissions to demonstrate the basis for the improved air quality in the Steubenville-Weirton, WV-OH area. See Table 3 above for the 2004 attainment level emissions.

c. *Demonstration of Maintenance*. As part of the July 31, 2006, redesignation request submittal, Ohio EPA included a requested revision to the Ohio SIP to incorporate an ozone maintenance plan for Jefferson County. This plan demonstrates maintenance of the 8-hour ozone NAAQS through 2018 by documenting current and projected VOC and NO_X emissions and showing that future emissions of VOC and NO_X will remain at or below the attainment year emission levels. A maintenance demonstration need not be based on modeling. See *Wall* v. *EPA*, 265 F.3d 426 (6th Cir. 2001), Sierra Club v. EPA, 375 F.3d 537 (7th Cir. 2004). See also 66 FR 53094, 53099–53100 (October 19, 2001) and 68 FR 25430–25432 (May 12, 2003).

The State of Ohio and the State of West Virginia projected the VOC and NO_X emissions in the Steubenville-Weirton, WV-OH area for the years of 2009 and 2018 to demonstrate maintenance of the 8-hour ozone NAAQS for at least 10 years after the expected redesignation dates for this area. For Jefferson County, Ohio EPA used source growth estimates provided by LADCO along with mobile source growth estimates generated using the regional transportation model and MOBILE 6.2 to project the Jefferson County VOC and NO_X emissions. The methods used by the State of West Virginia are described in West Virginia's ozone redesignation request (reviewed by EPA on October 2, 2006 (71 FR 57905)).

Table 4 summarizes the VOC emissions projected to occur in Jefferson County, Ohio and in Hancock and Brooke Counties, West Virginia during the demonstrated ozone maintenance period. Similarly, Table 5 summarizes the NO_X emissions projected to occur in the same area during the demonstrated ozone maintenance period. The State of Ohio and the State of West Virginia chose 2018 as a projection year to meet the 10-year maintenance demonstration requirement, allowing several years for EPA to complete the redesignation rulemaking process. The States also chose 2009 as an interim year to demonstrate that VOC and NO_X emissions will remain below the attainment year levels throughout the 10-year maintenance period.

TABLE 4.—PROJECTED VOC EMISSIONS IN THE STEUBENVILLE-WEIRTON, WV-OH AREA

[tons/day]

Source sector	2004 Attainment	2009 Interim	2018 Maintenance	Safety margin
Jefferson County, Ohio VOC Emissions				
EGU Point	0.9	1.0	1.0	.....
Non-EGU Point	0.2	0.2	0.2	.....
Area (Other)	3.1	2.9	2.9	.....
Non-Road Mobile	0.9	0.8	0.6	.....
On-Road Mobile	3.6	*2.6	*1.4	.....
Marine-Air-Railroad	0.1	0.1	0.1	.....
Total Jefferson County	8.8	7.6	6.2	**2.6
Hancock and Brooke Counties, West Virginia VOC Emissions				
EGU Point	0	0	0	.....
Non-EGU Point	4.8	4.3	5.3	.....
Area (Other)	4.6	4.5	5.2	.....
Non-Road Mobile (MAR included)	1.5	1.2	1.0	.....
On-Road Mobile	2.6	*2.0	*1.0	
Total Hancock and Brooke Counties	13.5	12.0	12.5	**1.0
Total Steubenville-Weirton, WV-OH	22.3	19.6	18.7	**3.6

* Includes 15 percent mobile source budget increase as a safety margin. Actual projected 2018 on-road mobile source VOC emissions in Jefferson County are 1.19 tons per day. In Brooke and Hancock Counties, the actual projected 2018 on-road mobile source VOC are 0.88 tons per day.

** Difference between 2004 attainment year emissions and 2018 maintenance year emissions.

TABLE 5.—PROJECTED NO_X EMISSIONS IN THE STEUBENVILLE-WEIRTON, WV-OH AREA

[tons/day]

Source sector	2004 Attainment	2009 Interim	2018 Maintenance	Safety margin
Jefferson County, Ohio NO_X Emissions				
EGU Point	148.8	60.8	41.0	.....
Non-EGU Point	5.9	5.6	5.4	.....
Area (Other)	0.2	0.2	0.2	.....
Non-Road Mobile	0.7	0.6	0.3	.....
On-Road Mobile	5.4	*4.1	*1.7	.....
Marine-Air-Railroad	1.5	1.4	1.3	.....
Total Jefferson County	162.5	72.7	49.9	**112.6

TABLE 5.—PROJECTED NO_X EMISSIONS IN THE STEUBENVILLE-WEIRTON, WV-OH AREA—Continued

[tons/day]

Source sector	2004 Attainment	2009 Interim	2018 Maintenance	Safety margin
Hancock and Brooke Counties, West Virginia NO_X Emissions				
EGU Point	0	0	0	.....
Non-EGU Point	4.5	5.1	5.6	.....
Area (Other)	4.8	4.9	5.2	.....
Non-Road Mobile (MAR included)	5.3	3.8	3.2	.....
On-Road Mobile	3.6	*2.8	*1.2	.....
Total Hancock and Brooke Counties	18.2	16.6	15.2	**3.0
Total Steubenville-Weirton, WV-OH	180.7	89.3	65.1	**115.6

* Includes 15 percent mobile source budget increase as a safety margin. Actual projected 2018 on-road mobile source NO_X emissions in Jefferson County are 1.45 tons per day. Actual projected 2018 on-road mobile source NO_X emissions in Hancock and Brooke Counties are 0.94 tons per day.

** Difference between 2004 attainment year emissions and 2018 maintenance year emissions.

The Ohio EPA also notes that the State's EGU NO_X emissions control rules stemming from EPA's NO_X SIP call and Clean Air Interstate Rule (CAIR), to be implemented beyond 2006, will further lower NO_X emissions in upwind areas, resulting in decreased ozone and ozone precursor transport into Jefferson County and the Steubenville-Weirton, WV-OH area. This will also support maintenance of the ozone standard in this area, which particularly benefits from the NO_X SIP call and CAIR. These two regulations focus on utility emissions in the Eastern United States and impose a permanent cap on overall emissions from affected sources. This cap is likely to minimize growth of this very important component of emissions in the Steubenville-Weirton area.

The emission projections for Jefferson County and the Steubenville-Weirton, WV-OH area as a whole coupled with the expected impacts of the States' EGU NO_X rules and CAIR lead to the conclusion that Jefferson County and the Steubenville-Weirton, WV-OH area should maintain the 8-hour ozone NAAQS throughout the required 10-year maintenance period and through 2018. The projected decreases in local VOC and local and regional NO_X emissions indicate that peak ozone levels in the Steubenville-Weirton, WV-OH area may actually further decline during the maintenance period.

Based on the comparison of the projected emissions and the attainment year emissions, we conclude that Ohio EPA has successfully demonstrated that the 8-hour ozone standard can be maintained in Jefferson County and in the Steubenville-Weirton, WV-OH area. We believe that this is especially likely given the expected impacts of the NO_X SIP call and CAIR. As noted by Ohio EPA, this conclusion is further supported by the fact that other states in the eastern portion of the United States are also expected to further reduce regional NO_X emissions through implementation of their ozone NO_X emission control rules for EGUs and other NO_X sources through the implementation of the NO_X SIP call and CAIR.

d. *Contingency Plan.* The contingency plan provisions of the CAA are designed to result in prompt correction or prevention of violations of the NAAQS that might occur after redesignation of an area to attainment of the NAAQS. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the State will promptly correct a violation of the NAAQS that might occur after redesignation. The maintenance plan must identify the contingency measures to be considered for possible adoption, a schedule and procedure for adoption and implementation of the selected contingency measures, and a time limit for action by the State. The State should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must include a requirement that the State will implement all measures with respect to control of the pollutant(s) that were included in the SIP before the redesignation of the area to attainment. See section 175A(d) of the CAA.

As required by section 175A of the CAA, Ohio has adopted a contingency plan to address a possible future ozone air quality problem in the Steubenville-Weirton, WV-OH area. The contingency plan has two levels of actions/responses depending on whether a violation of the 8-hour ozone standard is only threatened (Warning Level Response) or has actually occurred or appears to be very imminent (Action Level Response).

A Warning Level Response will be triggered whenever an annual (1-year) fourth-high monitored 8-hour ozone concentration of 88 ppb occurs within the ozone maintenance area (within the Steubenville-Weirton, WV-OH area). A Warning Level Response will consist of a study to determine whether the ozone value indicates a trend toward higher ozone concentrations and/or whether emissions appear to be increasing. The study will evaluate whether the trend, if any, is likely to continue and, if so, the control measures necessary to reverse the trend. This would involve taking into consideration ease and timing for implementation, as well as economic and social considerations. Implementation of necessary controls in response to a Warning Level Response will take place as expeditiously as possible, but in no event later than 12 months from the conclusion of the most recent ozone season.

An Action Level Response will be triggered whenever a two-year averaged annual fourth-high monitored 8-hour ozone concentration of 85 ppb or greater occurs within the maintenance area. A violation of the 8-hour ozone standard (three-year average fourth-high value of 85 ppb or greater) will also prompt an Action Level Response. In the event that an Action Level Response is triggered and is not due to an exceptional event, malfunction, or noncompliance with a source permit condition or rule requirement, Ohio EPA will determine the additional emission control measures needed to assure future attainment of the ozone NAAQS. Emission control measures that can be implemented in a short time will be selected in order to be in place within

18 months from the close of the ozone season that prompted the Action Level Response. Any new emission control measure that is selected for implementation will be given a public review. If a new emission control measure is already promulgated and scheduled to be implemented at the Federal or State level and that emission control measure is determined to be sufficient to address the upper trend in peak ozone concentrations, additional local measures may be unnecessary. Ohio EPA will submit to the EPA an analysis to demonstrate that the proposed emission control measures are adequate to reverse the upward trend in peak ozone concentrations and to maintain the 8-hour ozone standard in the Steubenville-Weirton, WV-OH area. The selection of emission control measures will be based on cost-effectiveness, emission reduction potential, economic and social considerations, or other factors that the Ohio EPA and West Virginia Department of Environmental Protection (WVDEP) deem to be appropriate. Selected emission control measures will be subjected to public review and the States will seek public input prior to selecting new emission control measures.

The State of Ohio ozone redesignation request lists the following possible emission control measures as contingency measures in the ozone maintenance portion of the State's submittal:

• Lower Reid vapor pressure gasoline program;

• Tighten RACT on existing sources covered by U.S. EPA Control Technique Guidleines issued in response to the 1990 CAA;

• Extension of Reasonably Available Control Techniques (RACT) requirements to include source categories previously excluded. New VOC RACT rules could be adopted for the following source categories:

—Consumer products
—Architectural and industrial maintenance coatings
—Stage I gasoline dispensing facilities (including pressure valves)
—Automobile refinishing
—Cold cleaner degreasers
—Portable fuel containers
—Synthetic organic compound manufacturing
—Organic compound batch processes
—Wood manufacturing
—Industrial wastewater
—Aerospace industry
—Ship building
—Bakeries
—Plastic parts coating
—Volatile organic liquid storage
—Industrial solvent cleaning
—Offset lithography
—Industrial surface coating; and,
—Other sources with VOC emissions greater than 50 tons per year;

• Revision of new source permitting requirements to require more stringent emissions control technology and/or greater emissions offsets;

• NO_X RACT, with the following being potential source categories covered by such RACT requirements:

—EGUs
—Asphalt batching plants
—Industrial/commercial and institutional boilers
—Process heaters
—Internal combustion engines
—Combustion turbines
—Other sources with NO_X emissions exceeding 100 tons per year;

• Transportation measures such as trip reduction programs, traffic flow and transit improvements. The selected transportation measure would need to achieve at least a half a percent reduction in actual area wide VOC emissions.

• Alternative fuel and diesel retrofit programs for fleet vehicle operations.

• Require VOC or NO_X emissions offsets for new and modified major and/or minor sources.

• Increase the ratio of emissions offsets required for new sources.

• Require VOC or NO_X controls on new minor sources (less than 100 tons).

No contingency measure will be implemented without the State providing the opportunity for full public participation and review.

e. *Provisions for a Future Update of the Ozone Maintenance Plan.* As required by section 175A(b) of the CAA, the State commits to submit to the EPA an update of the ozone maintenance plan eight years after redesignation of Jefferson County to attainment of the 8-hour ozone NAAQS. The updated maintenance plan will provide for maintenance of the 8-hour ozone standard in Jefferson County and the Steubenville-Weirton, WV-OH area for an additional 10 years beyond the period covered by the initial ozone maintenance plan.

We find Ohio's ozone maintenance demonstration and contingency plan acceptable.

V. Has Ohio Adopted Acceptable Motor Vehicle Emissions Budgets for the End Year of the Ozone Maintenance Plans Which Can Be Used To Support Conformity Determinations?

A. How Are the Motor Vehicle Emission Budgets Developed and What Are the Motor Vehicle Emission Budgets for Jefferson County?

Under the CAA, states are required to submit, at various times, SIP revisions and ozone maintenance plans for applicable areas (for ozone nonattainment areas and for areas seeking redesignations to attainment of the ozone standard or revising existing ozone maintenance plans). These emission control SIP revisions (e.g. reasonable further progress and attainment demonstration SIP revisions), including ozone maintenance plans, must create MVEBs based on on-road mobile source emissions that are allocated to highway and transit vehicle use that, together with emissions from other sources in the area, will provide for attainment or maintenance of the ozone NAAQS.

Under 40 CFR part 93, MVEBs for an area seeking a redesignation to attainment of the NAAQS are established for the last year of the maintenance plan (for the maintenance demonstration year). The MVEBs serve as ceilings on mobile source emissions from an area's planned transportation system and are used to test planned transportation system changes or projects to assure compliance with the emission limits assumed in the SIP. The MVEB concept is further explained in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188). The preamble also describes how to establish the MVEBs in the SIP and how to revise the MVEBs if needed.

Under section 176(c) of the CAA, new transportation projects, such as the construction of new highways, must ''conform'' to (i.e., be consistent with) the part of the SIP that addresses emissions from cars, trucks, and other on-roadway vehicles. Conformity to the SIP means that transportation activities will not cause new air quality standard violations, or delay timely attainment of the NAAQS. If a transportation plan does not conform, most new transportation projects that would expand the capacity of the roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA's policy, criteria, and procedures for demonstrating and assuring conformity of transportation activities to a SIP.

When reviewing SIP revisions containing MVEBs, including attainment strategies, rate-of-progress

plans, and maintenance plans, EPA must affirmatively find that the MVEBs are ''adequate'' for use in determining transportation conformity. Once EPA finds the submitted MVEBs to be adequate for transportation conformity purposes, the MVEBs are used by state and Federal agencies in determining whether proposed transportation projects conform to the SIPs as required by section 176(c) of the CAA. EPA's substantive criteria for determining the adequacy of MVEBs are specified in 40 CFR 93.118(e)(4).

EPA's process of determining adequacy of MVEBs consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the MVEBs during a public comment period; and, (3) making a finding of adequacy. The process of determining the adequacy of submitted SIP MVEBs was initially outlined in EPA's May 14, 1999, guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' This guidance was finalized in the Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Rule Amendments—Response to Court Decision and Additional Rule Change'' published on July 1, 2004 (69 FR 40004). EPA follows this guidance and rulemaking in making its adequacy determinations.

The Transportation Conformity Rule, in 40 CFR 93.118(f), provides for adequacy findings through two mechanisms. First, 40 CFR 93.118(f)(1) provides for posting a notice to the EPA conformity Web site at: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm* and providing a 30-day public comment period. Second, a mechanism is described in 40 CFR 93.118(f)(2) which provides that EPA can review the adequacy of an implementation plan submission simultaneously with its review of the implementation plan itself. In this notice, EPA is reviewing the adequacy of the Jefferson County motor vehicle emission budgets as part of the review and proposal on the overall ozone maintenance plan. The State of Ohio had previously requested parallel processing and the expediency of this review process is best suited to following the 40 CFR 93.118(f)(2) mechanism.

Ohio and West Virginia are managing mobile source emissions in the Steubenville-Weirton area by establishing separate MVEBs for their respective portions of this area. EPA has proposed approval of the NO_X and VOC MVEBs for the West Virginia portion of the Steubenville-Weirton area in the **Federal Register** (71 FR 57905) on October 2, 2006. The Jefferson County ozone maintenance plan contains VOC and NO_X MVEBs for 2009 and 2018. EPA has reviewed these MVEBs for Jefferson County and finds that they meet the adequacy criteria in the Transportation Conformity Rule. Furthermore, EPA, through this rulemaking, is proposing to approve the MVEBs for use to determine transportation conformity in Jefferson County. EPA has determined that the budgets are consistent with the control measures and future emissions projected in the SIP and that Jefferson County and the Steubenville-Weirton, WV-OH area can maintain attainment of the 8-hour ozone NAAQS for the relevant required 10-year period with mobile source emissions at the levels of the MVEBs. Table 2 contains the 2009 and 2018 VOC and NO_X MVEBs for Jefferson County. Ohio EPA decided to include 15 percent safety margins in the MVEBs to provide for mobile source growth not anticipated in the projected 2018 emissions.

Ohio EPA has demonstrated that Jefferson County and the Steubenville-Weirton, WV-OH area can maintain the 8-hour ozone NAAQS with mobile source emissions at the levels of the MVEBs since total source emissions, even with the increased mobile source emissions, will remain under the attainment year levels in both Jefferson County and the West Virginia portion of the Steubenville-Weirton area.

B. What Is a Safety Margin?

A ''safety margin'' is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan for a future maintenance year. As noted in Tables 4 and 5 above, Jefferson County VOC and NO_X emissions are projected to have safety margins of 2.6 tons per day for VOC and 112.6 tons per day for NO_X in 2018 (the differences between the 2004, attainment year, and 2018 VOC and NO_X emissions for all sources in Jefferson County).

The MVEBs requested by Ohio EPA contain safety margins (selected by the State) significantly smaller than the safety margins reflected in the total emissions for Jefferson County. The State is not requesting allocation of the entire available safety margins actually reflected in the demonstration of maintenance. Therefore, even though the State is requesting MVEBs that exceed the projected on-road mobile source emissions for 2018 contained in the demonstration of maintenance, the increase in on-road mobile source emissions considered for transportation conformity purposes is well within the safety margins of the ozone maintenance demonstration.

C. Are the MVEBs Approvable?

The VOC and NO_X MVEBs for Jefferson County including the additional safety margin are approvable because they maintain the total emissions for Jefferson County at or below the attainment year emission inventory levels, as required by the transportation conformity regulations.

VI. What Are the Effects of EPA's Proposed Actions?

Approval of the redesignation request would change the designation of Jefferson County for the 8-hour ozone NAAQS, found at 40 CFR part 81, from nonattainment to attainment. It would also incorporate into the Ohio SIP a plan for maintaining the ozone NAAQS through 2018. The maintenance plan includes a list of potential contingency measures to remedy possible future violations of the 8-hour ozone NAAQS. It establishes NO_X MVEBs of 4.10 tons per day and 1.67 tons per day for 2009 and 2018, respectively. The plan establishes VOC MVEBs of 2.63 tons per day and 1.37 tons per day for 2009 and 2018, respectively.

VII. Statutory and Executive Order Reviews

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, September 30, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

Paperwork Reduction Act

This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

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

Because it is not a ''significant regulatory action'' under Executive Order 12866 or a ''significant regulatory action,'' this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), 15 U.S.C. 272, requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus to carry out policy objectives, so long as such standards are not inconsistent with applicable law or otherwise impractical. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Absent a prior existing requirement for the state to use voluntary consensus standards, EPA has no authority to disapprove a SIP submission for failure to use such standards, and it would thus be inconsistent with applicable law for EPA to use voluntary consensus standards in place of a program submission that otherwise satisfies the provisions of the Clean Air Act. Therefore, the requirements of section 12(d) of the NTTA do not apply.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: December 21, 2006.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. E6–22617 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2006–0699; FRL–8266–9]

RIN 2060–AN71

Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: EPA is announcing that the comment period on the proposed rule amendments for the Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries, published on November 7, 2006, is being extended until February 8, 2007.

DATES: *Comments.* Comments on the proposed amendments published on November 7, 2006 (71 FR 65302) must be received on or before February 8, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2006–0699, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* U.S. Postal Service, send comments to: Air and Radiation Docket (6102T), Docket No. EPA–HQ–OAR–2006–0699, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20460.
- *Hand Delivery:* In person or by courier, deliver comments to: Air and Radiation Docket (6102T), EPA West, Room B–102, 1301 Constitution Ave., NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2006–0699. The 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 information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an

e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the Federal Docket Management System index at *www.regulations.gov.* 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 through *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA West, Room B–102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

Note: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to make hand deliveries or visit the Public Reading Room to view documents. Consult EPA's **Federal Register** notice at 71 FR 38147 (July 5, 2006) or the EPA Web site at *www.epa.gov/epahome/dockets.htm* for current information on docket operations, locations, and telephone numbers. The Docket Center's mailing address for U.S. mail and the procedure for submitting comments to *www.regulations.gov* are not affected by the flooding and will remain the same.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Rackley, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143–01), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number (919) 541–0634; fax number (919) 541–0246; e-mail address: *rackley.karen@epa.gov.*

SUPPLEMENTARY INFORMATION:

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	NAICS * Code	Examples of potentially regulated entities
Industry	32411	Petroleum refiners.
	Primarily 325110, 325192, 325193, and 325199.	Synthetic organic chemicals manufacturing industry (SOCMI) units, e.g., producers of benzene, toluene, or any other chemical listed in 40 CFR 60.489.

* North American Information Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 60.480 and 40 CFR 60.590. If you have any questions regarding the applicability of the proposed amendments to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Submitting CBI. Do not submit information that you consider to be CBI electronically through *www.regulations.gov* or e-mail. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, Attention Docket ID EPA–HQ–OAR–2006–0699. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section. *Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of the proposed amendments is available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the proposed amendments will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control.

Comment Period

We received several requests to extend the public comment period to February 8, 2007. We agreed to this request, therefore, the public comment period will now end on February 8, 2007, rather than January 8, 2007.

How can I get copies of the proposed amendments and other related information?

The proposed rule amendments for the Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries, published on November 7, 2006 (71 FR 65302). EPA has established the official public docket for the proposed rulemaking under docket ID No. EPA–HQ–OAR–2006–0699. Information on how to access the docket is presented above in the **ADDRESSES** section.

Dated: January 3, 2007.

William L. Wehrum,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. E7–20 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2006–0406, FRL–8266–8]

RIN 2060–AM74

National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: EPA is announcing that the comment period on the proposed rule amendments for the National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities, published on November 9, 2006, is being extended until February 8, 2007.

DATES: *Comments.* Comments on the proposed amendments published on November 9, 2006 (71 FR 66064) must be received on or before February 8, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2006–0406, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* U.S. Postal Service, send comments to: Air and Radiation Docket (6102T), Docket No. EPA–HQ–OAR–2006–0699, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20460.
- *Hand Delivery:* In person or by courier, deliver comments to: Air and Radiation Docket (6102T), EPA West, Room B–102, 1301 Constitution Ave., NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2006–0406. The 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 information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. 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 homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the Federal Docket Management System index at *www.regulations.gov.* 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 through *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA West, Room B–102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

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FOR FURTHER INFORMATION CONTACT: *General and Technical Information:* Mr. Stephen Shedd, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143–01), EPA, Research Triangle Park, NC 27711, telephone (919) 541–5397, facsimile number (919) 685–3195, electronic mail (e-mail) address: *shedd.steve@epa.gov.*

Economic Analysis Information: Mr. Art Rios, Office of Air Quality Planning and Standards, Health and Environmental Impacts Division, Air Benefit and Cost Group (C339–01), EPA, Research Triangle Park, NC 27711, telephone (919) 541–4883, facsimile number (919) 541–0839, electronic mail (e-mail) address: *Rios.Arturo@epamail.epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Categories and entities potentially regulated by this action include:

Category	NAICS[a]	Examples of regulated entities
Industry	324110 493190 486910 424710 447110 447190	Operations at area sources that transfer and store gasoline, including bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities.

Category	NAICS[a]	Examples of regulated entities
Federal/State/ local/tribal governments		

[a] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 60.480 and 40 CFR 60.590. If you have any questions regarding the applicability of the proposed amendments to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Submitting CBI. Do not submit information that you consider to be CBI electronically through www.regulations.gov or e-mail. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, Attention Docket ID EPA–HQ–OAR–2006–0699. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section. *Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of the proposed amendments is available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the proposed amendments will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control.

Comment Period

We received a request to extend the public comment period to February 8, 2007. We agreed to this request, therefore, the public comment period will now end on February 8, 2007, rather than January 8, 2007.

How Can I Get Copies of the Proposed Amendments and Other Related Information?

The proposed rule National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities was published on November 9, 2006 (71 FR 66064). EPA has established the official public docket for the proposed rulemaking under docket ID No. EPA–HQ–OAR–2006–0406. Information on how to access the docket is presented above in the **ADDRESSES** section.

Dated: January 3, 2007.

William L. Wehrum,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. E7–19 Filed 1–5–07; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 72, No. 4

Monday, January 8, 2007

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

Forest Service

California Coast Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Provincial Advisory Committee (CCPAC) will meet for one day on January 25, 2007, in Eureka California. The purpose of the meeting is to discuss issues relating to implementing the Northwest Forest Plan (NWFP).

DATES: The meeting will be held from 9 a.m. to 5 p.m. on January 25, 2007.

ADDRESSES: Six Rivers National Forest, Supervisor's Office, 1330 Bayshore Way, Eureka, California.

FOR FURTHER INFORMATION CONTACT: Kathy Allen, Committee Coordinator, USDA, Six Rivers National Forest, 1330 Bayshore Way, Eureka, CA 95501 (707) 441–3557 or *kmallen@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda topics to be covered include: (1) Woody Biomass; (2) Future of the CCPAC; (3) Survey and Manage Update; (4) NWFP 10 Year Monitoring Review; and (5) New Mexico Forest Restoration Principles.

The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: December 29, 2006.

Jean Hawthorne,

Acting Forest Supervisor.

[FR Doc. 07–11 Filed 1–5–07; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF DEFENSE

Office of Secretary

[DOD–2006–OS–0228]

Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to add a systems of records.

SUMMARY: The Office of the Inspector General (OIG) proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on February 7, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Chief, FOIA/PA Office, Inspector General, Department of Defense, 400 Army Navy Drive, Room 201, Arlington, VA 22202–4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 604–9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General (OIG) systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above. The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, were submitted on December 28, 2006, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: December 29, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

CIG–25

SYSTEM NAME:

Alternate Worksite Records

SYSTEM LOCATION:

Primary location: Human Capital Advisory Service (Workforce Relations Division), Department of Defense Office of the Inspector General, 400 Army Navy Drive, Suite 115, Arlington, VA 22202–4704.

SECONDARY LOCATIONS:

Defense Criminal Investigative Service Field Offices, Resident Agencies, and Posts of Duty. Official mailing addresses are published as an appendix to the OIG's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees who participate in the Telework program operated by OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include participant name; position title; series and grade, performance evaluation rating; official duty station address and telephone numbers; type of telework; date telework agreement received and approved; alternative worksite address and telephone numbers; telework eligibility forms; telework agreement forms; telework home and security checklists; whether government equipment is assigned; telework arrangement checkout checklists; telework centers reimbursement sheets; and regular and recurring telework memorandums; and any other miscellaneous documents supporting telework.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 106–346, Section 359 of October 23, 2000; Under Secretary of Defense (Personnel and Readiness) Memorandum dated October 22, 2001, ''Department of Defense Telework Policy and Guide for Civilian Employees,'' and DoD Directive 1035.1 Telework Policy for Department of Defense.

PURPOSE(S):

Records are used by supervisor and program coordinators for purposes of managing, evaluating, and reporting OIG telework program activity.

Portions of the files may be used by Information Systems Directorate for determining equipment and software needs; for ensuring appropriate technical safeguards are in use at alternative work sites; and for evaluating and mitigating vulnerabilities associated with connecting to OIG computer systems from remote locations and to validate and reimburse

participants for costs associated with telephone use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552(b)(3) as follows:

To the Department of Labor when an employee is injured while working at the alternative worksite. The alternative worksite address, alternative worksite telephone number and home security and safety checklist may be disclosed.

The DoD Blanket Routine Uses set forth at the beginning of OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic storage media

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are maintained in areas accessible only to DoD OIG personnel and is limited to those who require the records in the performance of their official duties. Paper Records are secured in locked cabinets during non-duty hours and access to electronic records is restricted by the use of passwords.

RETENTION AND DISPOSAL:

Records are destroyed (shredded) within 1 year after employee's participation in the program ends.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Human Capital Advisory Service (Workforce Relations), 400 Army Navy Drive, Suite 115, Arlington, VA 22202–4704.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether records about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, Department of Defense, Office of the Inspector General, 400 Army Navy Dr., Arlington, VA 22202–4704.

The request should contain the individual's full name, address, and telephone number. These items are necessary for the retrieval of information. Requests submitted on behalf of other persons must include their written authorization.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, Department of Defense, Office of the Inspector General, 400 Army Navy Dr., Arlington, VA 22202–4704.

The request should contain the individual's full name, address, and telephone number. These items are necessary for the retrieval of information. Requests submitted on behalf of other persons must include their written authorization.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

By participants and supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–8 Filed 1–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2006–OS–0229]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Threat Reduction Agency.

ACTION: Notice to add a system of records.

SUMMARY: The Defense Threat Reduction Agency proposes to add a system of records notice to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on February 7, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Freedom of Information and Privacy Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda Carter at (703) 767–1771.

SUPPLEMENTARY INFORMATION: The Defense Threat Reduction Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 28, 2006, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: December 29, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

HDTRA 022

SYSTEM NAME:

Learning Management System (LMS).

SYSTEM LOCATION:

Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Threat Reduction Agency (DTRA) employees and contractor personnel receiving training funded or sponsored by DTRA. Department of Defense military personnel and non-appropriated fund personnel may be included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, occupational series, grade, and supervisory status; registration, student development curricula, and training data, including start and completion dates, course descriptions, and related data. Where training is required for professional licenses, certification, or recertification, the file may include proficiency data in one or more skill areas. Electronic records may contain computer logon data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 41, The Government Employees Training Act; 10 U.S.C. 1701 *et seq.*, Defense Acquisition Workforce Improvement Act; E.O. 11348, Providing for the further training of Government employees, as amended by E.O. 12107,

Relating to the Civil Service Commission and labor-management in the Federal Service; 5 CFR part 410, Office of Personnel Management—Training; and E.O. 9397.

PURPOSE(S):

Information is used to manage and administer training and development programs; to identify individual training needs; to screen and select candidates for training; and for reporting, forecasting, tracking, monitoring, and assessment purposes. Statistical data, with all personal identifiers removed, are used to compare training completion data among different DTRA activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a (b)(3) as follows:

To the Department of Veterans Affairs for inspecting, surveying, auditing, or evaluating apprentice or on-the-job training programs.

To the Department of Labor for inspecting, surveying, auditing, or evaluating apprentice training programs and other programs under its jurisdiction.

To Federal, state, and local agencies and oversight entities to track, manage, and report on mandatory training requirements and certifications.

To public and private sector educational, training, and conferencing entities for participant enrollment, tracking, evaluation, and payment reconciliation purposes.

To Federal agencies for screening and selecting candidates for training or developmental programs sponsored by the agency.

To Federal oversight agencies for investigating, reviewing, resolving, negotiating, settling, or hearing complaints, grievances, or other matters under its cognizance.

The DoD ''Blanket Routine Uses'' set forth at the beginning of DTRA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and electronic form.

RETRIEVABILITY:

Automated records may be retrieved by Social Security Number, name, logon identification, or by a combination of these data elements. Manual records are retrieved by employee last name.

SAFEGUARDS:

Records are maintained in physical and electronic areas accessible only to DTRA personnel who must use the records to perform assigned duties. Physical access is limited through the use of locks, guards, card swipe, and other administrative procedures. The electronic records are deployed on accredited systems with access restricted by the use of login, password, and/or card swipe protocols. The web-based files are accessible only via the Agency's intranet, which is protected in accordance with approved information assurance protocols. Employees are warned through screen log-on protocols and periodic briefings of the consequences of improper access or use of the data on the Agency intranet. In addition, users are trained to lock or shutdown their workstations when leaving the work area. During non-duty hours, records are secured in access-controlled buildings, offices, cabinets or computer systems.

RETENTION AND DISPOSAL:

Training files are destroyed when 5 years old or when superseded, whichever is sooner. Employee agreements, individual training plans, progress reports, and similar records used in intern, upward mobility, career management, and similar developmental training programs are destroyed 1 year after employee has completed the program.

SYSTEM MANAGER(S) AND ADDRESS:

Learning Technology Specialist, Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether records about themselves is contained in this system of records should address written inquiries to the Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

Current DTRA employees may determine whether information about themselves is contained in subsets to the master file by accessing the system through their assigned DTRA computer or by contacting their immediate supervisor.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

Current DTRA employees may gain access to data contained in subsets to the master file by accessing the system through their assigned DTRA computer or by contacting their immediate supervisor.

CONTESTING RECORD PROCEDURES:

The DTRA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 318, or may be obtained from the Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060.

RECORD SOURCE CATEGORIES:

Information is obtained from the record subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–9 Filed 1–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2006–OS–0226]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 7, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency systems of

records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system reports, as required by 5 U.S.C. 552a(r), of the Privacy Act of 1974, as amended, were submitted on December 28, 2006, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: December 29, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.50 DMDC

SYSTEM NAME:

Defense Eligibility Records (June 15, 2004, 69 FR 33376).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''EDS—Service Management Center, 1075 West Entrance Drive, Auburn Hills, MI 48326–2723.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add the following new categories of individuals covered to the system ''all appropriated, non-appropriated, and foreign national DoD employees; all Federal (non-postal) civilian employees and all Federal civilian retirees; Congressional Medal of Honor awardees; dependants of active and retired members of the Uniformed Services; selective service registrants; DoD affiliated personnel (e.g. contractors); emergency contact data for DoD affiliated personnel (e.g. contractors); foreign military and families who used DoD medical facilities; former enlisted and officer personnel of the military services who separated from active duty since 1971; DoD civilian retirees who are receiving ID cards as authorized by OUSD (P&R) memo, subject: Issuance of Identification Cards to Retired Department of Defense Civilian Employees (December 30, 2005); general population treated for medical emergency in a DoD medical facility; individuals receiving security background investigations as identified in the Defense Central Index of Investigations; individuals who participated in educational programs sponsored by U.S. Armed Forces Institute and participants of Armed Forces Aptitude testing program at the High School level since September 1969; individuals who were or may have been subjects of tests involving chemical or biological human subject testing, and individuals who have inquired or provided information to the DoD concerning such testing; other Federal agency employees and applicants who have registered to take the Defense Language Proficiency Tests (DLPT) 5; participants in the Department of Health and Human Services National Longitudinal Survey; and veterans who have used GI Bill education/training employment services office since January 1, 1971.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Add the following new records to the categories of records being maintained ''Catastrophic Cap and Deductible (CCD) transactions, including monetary amounts; CHAMPUS/TRICARE claim records containing enrollee, participant and health care facility, provider data such as cause of treatment, amount of payment, name and Social Security or tax identification number of providers or potential providers of care; citizenship data/country of birth; civil service employee employment information (agency and bureau, pay plan and grade, nature of action code and nature of action effective date, occupation series, dates of promotion and expected return from overseas, service computation date); claims data; compensation data; contractor fee payment data; date of separation of former enlisted and officer personnel; demographic data (kept on others beyond beneficiaries) date of birth, home of record state, sex, race, education level; Department of Veterans Affairs disability payment records; digital signatures where appropriate to assert validity of data; email (home/work); emergency contact information; immunization data; Information Assurance (IA) Work Force information; language data; military personnel information (rank, assignment/deployment, length of service, military occupation, education, and benefit usage); pharmacy benefits; reason leaving military service or DoD civilian service; Reserve member's civilian occupation and employment information; education benefit eligibility and usage; special military pay information; SGLI/FGLI; stored documents for proofing identity and association; workforces information (e.g. Acquisition, First Responders); Privacy Act audit logs.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add the following new authorities to the system of records notice ''5 U.S.C. App. 3 (Pub. L. 95–452, as amended (Inspector General Act of 1978)); Pub. L. 106–265, Federal Long-Term Care Insurance; and 10 U.S.C. 2358, Research and Development Projects; 42 U.S.C., Chapter 20, Subchapter I–G, Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office, Sec. 1973ff, Federal responsibilities and DoD Directive 1000.4, Federal Voting Assistance Program (FVAP); Homeland Security Presidential Directive 12, Policy for a common Identification Standard for Federal Employees and Contractors; 38 CFR part 9.20, Traumatic Injury Protection, Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.''

PURPOSE(S):

Add these additional purposes as follows ''To authenticate and identify DoD affiliated personnel (e.g., contractors); to assess manpower, support personnel and readiness functions; to perform statistical analyses; identify current DoD civilian and military personnel for purposes of detecting fraud and abuse of benefit programs; to register current DoD civilian and military personnel and their authorized dependents for purposes of obtaining medical examination, treatment or other benefits to which they are qualified; to ensure benefit eligibility is retained after separation from the military; information will be used by agency officials and employees, or authorized contractors, and other DoD Components for personnel and manpower studies; and to assist in recruiting prior-service personnel.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Because of the number of new routine uses being added to this system of records, we are renumbering all routine uses for ease of recognition and identification. The entry will read as follows:

''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the Social Security Administration (SSA) to perform

computer data matching against the SSA Wage and Earnings Record file for the purpose of identifying employers of Department of Defense (DoD) beneficiaries eligible for health care. This employer data will in turn be used to identify those employed beneficiaries who have employment-related group health insurance, to coordinate insurance benefits provided by DoD with those provided by the other insurance. This information will also be used to perform computer data matching against the SSA Master Beneficiary Record file for the purpose of identifying DoD beneficiaries eligible for health care who are enrolled in the Medicare Program, to coordinate insurance benefits provided by DoD with those provided by Medicare.

2. To other Federal agencies and state, local and territorial governments to identify fraud and abuse of the Federal agency's programs and to identify debtors and collect debts and overpayment in the DoD health care programs.

3. To each of the fifty states and the District of Columbia for the purpose of conducting an on going computer matching program with state Medicaid agencies to determine the extent to which state Medicaid beneficiaries may be eligible for Uniformed Services health care benefits, including CHAMPUS, TRICARE, and to recover Medicaid monies from the CHAMPUS program.

4. To provide dental care providers assurance of treatment eligibility.

5. To Federal agencies and/or their contractors, in response to their requests, for purposes of authenticating the identity of individuals who, incident to the conduct of official DoD business, present the Common Access Card or similar identification as proof of identity to gain physical or logical access to government and contractor facilities, locations, networks, or systems.

6. To State and local child support enforcement agencies for purposes of providing information, consistent with the requirements of 29 U.S.C. 1169(a), 42 U.S.C. 666(a)(19), and E.O. 12953 and in response to a National Medical Support Notice (NMSN) (or equivalent notice if based upon the statutory authority for the NMSN), regarding the military status of identified individuals and whether, and for what period of time, the children of such individuals are or were eligible for DoD health care coverage. **Note:** Information requested by the States is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

7. To the Department of Health and Human Services (HHS):

a. For purposes of providing information, consistent with the requirements of 42 U.S.C. 653 and in response to an HHS request, regarding the military status of identified individuals and whether, and for what period of time, the children of such individuals are or were eligible for DoD healthcare coverage. **Note:** Information requested by HHS is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

b. For purposes of providing information so that specified Medicare determinations, specifically late enrollment and waiver of penalty, can be made for eligible (1) DoD military retirees and (2) spouses (or former spouses) and/or dependents of either military retirees or active duty military personnel, pursuant to section 625 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2002 (as codified at 42 U.S.C. 1395p and 1395r).

c. To the Office of Child Support Enforcement, Federal Parent Locator Service, pursuant to 42 U.S.C. 653 and 653a; to assist in locating individuals for the purpose of establishing parentage; establishing, setting the amount of, modifying, or enforcing child support obligations; or enforcing child custody or visitation orders; the relationship to a child receiving benefits provided by a third party and the name and SSN of those third party providers who have a legal responsibility. Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.

8. To the American Red Cross for purposes of providing emergency notification and assistance to members of the Armed Forces, retirees, family members or survivors.

9. To the Department of Veterans Affairs (DVA):

a. To provide military personnel and pay data for present and former military personnel for the purpose of evaluating use of veterans' benefits, validating benefit eligibility and maintaining the health and well being of veterans and their family members.

b. To provide identifying military personnel data to the DVA and its insurance program contractor for the purpose of notifying separating eligible Reservists of their right to apply for Veteran's Group Life Insurance coverage under the Veterans Benefits Improvement Act of 1996 (38 U.S.C. 1968) and for DVA to administer the Traumatic Servicemember's Group Life Insurance (TSGLI) (Traumatic Injury Protection Rider to Servicemember's Group Life Insurance (TSGLI), 38 CFR part 9.20).

c. To register eligible veterans and their dependents for DVA programs.

d. Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension Program (38 U.S.C. 5106). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

e. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purposes of:

(1) Providing full identification of active duty military personnel, including full time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program. The information is used to determine continued eligibility for DVA disability compensation to recipients who have returned to active duty so that benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment (38 U.S.C. 5304(c)).

(2) Providing military personnel and financial data to the Veterans Benefits Administration, DVA for the purpose of determining initial eligibility and any changes in eligibility status to insure proper payment of benefits for GI Bill education and training benefits by the DVA under the Montgomery GI Bill (Title 10 U.S.C., Chapter 1606—Selected Reserve and Title 38 U.S.C., Chapter 30—Active Duty), the REAP educational benefit (Title 10 U.S.C, Chapter 1607), and the National Call to Service enlistment educational benefit (Title 10, Chapter 510). The administrative responsibilities designated to both agencies by the law require that data be exchanged in administering the programs.

(3) Providing identification of reserve duty, including full time support National Guard/Reserve military personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 12316) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

(4) Providing identification of former active duty military personnel who

received separation payments to the DVA for the purpose of deducting such repayment from any DVA disability compensation paid. The law requires recoupment of severance payments before DVA disability compensation can be paid (10 U.S.C. 1174).

f. To provide identifying military personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).

10. To DoD Civilian Contractors and grantees for the purpose of performing research on manpower problems for statistical analyses.

11. To consumer reporting agencies to obtain current addresses of separated military personnel to notify them of potential benefits eligibility.

12. To Defense contractors to monitor the employment of former DoD employees and military members subject to the provisions of 41 U.S.C. 423.

13. To Federal and Quasi Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior military service credit for their employees or for job applications. To determine continued eligibility and help eliminate fraud and abuse in benefit programs and to collect debts and over payments owed to these programs. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and abuse pursuant to the authority contained in the Inspector General Act of 1978, as amended (Pub. L. 95–452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements.

14. To Federal and Quasi Federal agencies, territorial, state and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members. DMDC will disclose information from this system of records for research purposes when DMDC:

a. Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. has secured a written statement attesting to the recipients' understanding of, and willingness to abide by these provisions.

15. To Federal and State agencies for purposes of obtaining socioeconomic information on Armed Forces personnel so that analytical studies can be conducted with a view to assessing the present needs and future requirements of such personnel.

16. To Federal and State agencies to validate demographic data (*e.g.*, Social Security Number, citizenship status, date and place of birth, etc.) for individuals in DoD personnel and pay files so that accurate information is available in support of DoD requirements.

17. To the Bureau of Citizenship and Immigration Services, Department of Homeland Security, for purposes of facilitating the verification of individuals who may be eligible for expedited naturalization (Pub. L. 108–136, Section 1701, and E.O. 13269, Expedited Naturalization).

18. To the Federal voting program to provide unit and email addresses for the purpose of notifying the military members where to obtain absentee ballots.

19. To the Department of Homeland Security for the conduct of studies related to the health and well-being of Coast Guard members and to authenticate and identify Coast Guard personnel.

20. To Coast Guard recruiters in the performance of their assigned duties.

The DoD ' Blanket Routine Uses' published at the beginning of DLA's compilation of systems of records notices apply to this system.''

* * * * *

S322.50 DMDC

SYSTEM NAME:

Defense Eligibility Records.

SYSTEM LOCATION:

EDS—Service Management Center, 1075 West Entrance Drive, Auburn Hills, MI 48326–2723.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Armed Forces and reserve personnel and their family members; retired Armed Forces personnel and their family members; 100 percent disabled veterans and their dependents or survivors; surviving family members of deceased active duty or retired personnel; active duty and retired Coast Guard personnel and their family members; active duty and retired Public Health Service personnel (Commissioned Corps) and their family members; active duty and retired National Oceanic and Atmospheric Administration employees (Commissioned Corps) and their family members; and State Department employees employed in a foreign country and their family members; civilian employees of the Department of Defense; contractors; and any other individuals entitled to care under the health care program or to other DoD benefits and privileges; providers and potential providers of health care; and any individual who submits a health care claim; all appropriated, non-appropriated, and foreign national DoD employees; all Federal (non-postal) civilian employees and all Federal civilian retirees; Congressional Medal of Honor awardees; dependants of active and retired members of the Uniformed Services; selective service registrants; DoD affiliated personnel (*e.g.* contractors); emergency contact data for DoD affiliated personnel (*e.g.* contractors); foreign military and families who used DoD medical facilities; former enlisted and officer personnel of the military services who separated from active duty since 1971; DoD civilian retirees who are receiving ID cards as authorized by OUSD(P&R) memo, subject: Issuance of Identification Cards to Retired Department of Defense Civilian Employees (December 30, 2005); general population treated for medical emergency in a DoD medical facility;

individuals receiving security background investigations as identified in the Defense Central Index of Investigations; individuals who participated in educational programs sponsored by U.S. Armed Forces Institute and participants of Armed Forces Aptitude testing program at the High School level since September 1969; individuals who were or may have been subjects of tests involving chemical or biological human subject testing, and individuals who have inquired or provided information to the DoD concerning such testing; other Federal agency employees and applicants who have registered to take the Defense Language Proficiency Tests (DLPT) 5; participants in the Department of Health and Human Services National Longitudinal Survey; and veterans who have used GI Bill education/training employment services office since January 1, 1971.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer files containing beneficiary's name, Service or Social Security Number, enrollment number, relationship of beneficiary to sponsor, residence address of beneficiary or sponsor, date of birth of beneficiary, sex of beneficiary, branch of Service of sponsor, dates of beginning and ending eligibility, number of family members of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of sponsor, rank/pay grade of sponsor, disability documentation, Medicare eligibility and enrollment data, index fingerprints and photographs of beneficiaries, blood test results, dental care eligibility codes and dental x-rays.

Catastrophic Cap and Deductible (CCD) transactions, including monetary amounts; CHAMPUS/TRICARE claim records containing enrollee, participant and health care facility, provider data such as cause of treatment, amount of payment, name and Social Security or tax identification number of providers or potential providers of care; citizenship data/country of birth; civil service employee employment information (agency and bureau, pay plan and grade, nature of action code and nature of action effective date, occupation series, dates of promotion and expected return from overseas, service computation date); claims data; compensation data; contractor fee payment data; date of separation of former enlisted and officer personnel; demographic data (kept on others beyond beneficiaries) date of birth, home of record state, sex, race, education level; Department of Veterans Affairs disability payment records; digital signatures where appropriate to assert validity of data; email (home/work); emergency contact information; immunization data; Information Assurance (IA) Work Force information; language data; military personnel information (rank, asignment/deployment, length of service, military occupation, education, and benefit usage); pharmacy benefits; reason leaving military service or DoD civilian service; Reserve member's civilian occupation and employment information; education benefit eligibility and usage; special military pay information; SGLI/FGLI; stored documents for proofing identity and association; workforces information (*e.g.* Acquisition, First Responders); Privacy Act audit logs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. Chapters 53, 54, 55, 58, and 75; 10 U.S.C. 136; 31 U.S.C. 3512(c); 50 U.S.C. Chapter 23, Internal Security; DoD Directive 1341.1, Defense Enrollment/Eligibility Reporting System; DoD Instruction 1341.2, DEERS Procedures; 5 U.S.C. App. 3 (Pub. L. 95–452, as amended (Inspector General Act of 1978)); Pub.L. 106–265, Federal Long-Term Care Insurance; and 10 U.S.C. 2358, Research and Development Projects; 42 U.S.C., Chapter 20, Subchapter I-G, Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office, Sec. 1973ff, Federal responsibilities and DoD Directive 1000.4, Federal Voting Assistance Program (FVAP); Homeland Security Presidential Directive 12, Policy for a common Identification Standard for Federal Employees and Contractors; 38 CFR part 9.20, Traumatic injury protection, Servicemembers' Group Life Insurance and Veterans' Group Life Insurance; and E.O. 9397 (SSN).

PURPOSE(S):

The purpose of the system is to provide a database for determining eligibility to DoD entitlements and privileges; to support DoD health care management programs; to provide identification of deceased members; to record the issuance of DoD badges and identification cards; and to detect fraud and abuse of the benefit programs by claimants and providers to include appropriate collection actions arising out of any debts incurred as a consequence of such programs.

To authenticate and identify DoD affiliated personnel (*e.g.*, contractors); to assess manpower, support personnel and readiness functions; to perform statistical analyses; identify current DoD civilian and military personnel for purposes of detecting fraud and abuse of benefit programs; to register current DoD civilian and military personnel and their authorized dependents for purposes of obtaining medical examination, treatment or other benefits to which they are qualified; to ensure benefit eligibility is retained after separation from the military; information will be used by agency officials and employees, or authorized contractors, and other DoD Components for personnel and manpower studies; and to assist in recruiting prior-service personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the Social Security Administration (SSA) to perform computer data matching against the SSA Wage and Earnings Record file for the purpose of identifying employers of Department of Defense (DoD) beneficiaries eligible for health care. This employer data will in turn be used to identify those employed beneficiaries who have employment-related group health insurance, to coordinate insurance benefits provided by DoD with those provided by the other insurance. This information will also be used to perform computer data matching against the SSA Master Beneficiary Record file for the purpose of identifying DoD beneficiaries eligible for health care who are enrolled in the Medicare Program, to coordinate insurance benefits provided by DoD with those provided by Medicare.

2. To other Federal agencies and state, local and territorial governments to identify fraud and abuse of the Federal agency's programs and to identify debtors and collect debts and overpayment in the DoD health care programs.

3. To each of the fifty states and the District of Columbia for the purpose of conducting an ongoing computer matching program with state Medicaid agencies to determine the extent to which state Medicaid beneficiaries may be eligible for Uniformed Services health care benefits, including CHAMPUS, TRICARE, and to recover Medicaid monies from the CHAMPUS program.

4. To provide dental care providers assurance of treatment eligibility.

5. To Federal agencies and/or their contractors, in response to their requests, for purposes of authenticating the identity of individuals who, incident to the conduct of official DoD business, present the Common Access Card or similar identification as proof of identity to gain physical or logical access to government and contractor facilities, locations, networks, or systems.

6. To State and local child support enforcement agencies for purposes of providing information, consistent with the requirements of 29 U.S.C. 1169(a), 42 U.S.C. 666(a)(19), and E.O. 12953 and in response to a National Medical Support Notice (NMSN) (or equivalent notice if based upon the statutory authority for the NMSN), regarding the military status of identified individuals and whether, and for what period of time, the children of such individuals are or were eligible for DoD health care coverage. **Note:** Information requested by the States is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

7. To the Department of Health and Human Services (HHS):

a. For purposes of providing information, consistent with the requirements of 42 U.S.C. 653 and in response to an HHS request, regarding the military status of identified individuals and whether, and for what period of time, the children of such individuals are or were eligible for DoD healthcare coverage. **Note:** Information requested by HHS is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

b. For purposes of providing information so that specified Medicare determinations, specifically late enrollment and waiver of penalty, can be made for eligible (1) DoD military retirees and (2) spouses (or former spouses) and/or dependents of either military retirees or active duty military personnel, pursuant to section 625 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2002 (as codified at 42 U.S.C. 1395p and 1395r).

c. To the Office of Child Support Enforcement, Federal Parent Locator Service, pursuant to 42 U.S.C. 653 and 653a; to assist in locating individuals for the purpose of establishing parentage; establishing, setting the amount of, modifying, or enforcing child support obligations; or enforcing child custody or visitation orders; the relationship to a child receiving benefits provided by a third party and the name and SSN of those third party providers who have a legal responsibility. Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.

8. To the American Red Cross for purposes of providing emergency notification and assistance to members of the Armed Forces, retirees, family members or survivors.

9. To the Department of Veterans Affairs (DVA):

a. To provide military personnel and pay data for present and former military personnel for the purpose of evaluating use of veterans' benefits, validating benefit eligibility and maintaining the health and well being of veterans and their family members.

b. To provide identifying military personnel data to the DVA and its insurance program contractor for the purpose of notifying separating eligible Reservists of their right to apply for Veteran's Group Life Insurance coverage under the Veterans Benefits Improvement Act of 1996 (38 U.S.C. 1968) and for DVA to administer the Traumatic Servicemember's Group Life Insurance (TSGLI) (Traumatic Injury Protection Rider to Servicemember's Group Life Insurance (TSGLI), 38 CFR part 9.20).

c. To register eligible veterans and their dependents for DVA programs.

d. Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension Program (38 U.S.C. 5106). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

e. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purposes of:

(1) Providing full identification of active duty military personnel, including full time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program. The information is used to determine continued eligibility for DVA disability compensation to recipients who have returned to active duty so that benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment (38 U.S.C. 5304(c)).

(2) Providing military personnel and financial data to the Veterans Benefits Administration, DVA for the purpose of determining initial eligibility and any changes in eligibility status to insure proper payment of benefits for GI Bill education and training benefits by the DVA under the Montgomery GI Bill (Title 10 U.S.C., Chapter 1606—Selected Reserve and Title 38 U.S.C., Chapter 30—Active Duty), the REAP educational benefit (Title 10 U.S.C, Chapter 1607), and the National Call to Service enlistment educational benefit (Title 10, Chapter 510). The administrative responsibilities designated to both agencies by the law require that data be exchanged in administering the programs.

(3) Providing identification of reserve duty, including full time support National Guard/Reserve military personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 12316) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

(4) Providing identification of former active duty military personnel who received separation payments to the DVA for the purpose of deducting such repayment from any DVA disability compensation paid. The law requires recoupment of severance payments before DVA disability compensation can be paid (10 U.S.C. 1174).

f. To provide identifying military personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).

10. To DoD Civilian Contractors and grantees for the purpose of performing research on manpower problems for statistical analyses.

11. To consumer reporting agencies to obtain current addresses of separated military personnel to notify them of potential benefits eligibility.

12. To Defense contractors to monitor the employment of former DoD employees and military members subject to the provisions of 41 U.S.C. 423.

13. To Federal and Quasi Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior military service credit for their employees or for job applications. To determine continued eligibility and help eliminate fraud and abuse in benefit programs and to collect debts and over payments owed to these programs. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and abuse pursuant

to the authority contained in the Inspector General Act of 1978, as amended (Pub. L. 95–452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements.

14. To Federal and Quasi Federal agencies, territorial, state and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members. DMDC will disclose information from this system of records for research purposes when DMDC:

a. Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. Has secured a written statement attesting to the recipients' understanding of, and willingness to abide by these provisions.

15. To Federal and State agencies for purposes of obtaining socioeconomic information on Armed Forces personnel so that analytical studies can be conducted with a view to assessing the present needs and future requirements of such personnel.

16. To Federal and state agencies to validate demographic data (e.g., Social Security Number, citizenship status, date and place of birth, etc.) for individuals in DoD personnel and pay files so that accurate information is available in support of DoD requirements.

17. To the Bureau of Citizenship and Immigration Services, Department of Homeland Security, for purposes of facilitating the verification of individuals who may be eligible for expedited naturalization (Pub. L. 108–136, Section 1701, and E.O. 13269, Expedited Naturalization).

18. To the Federal voting program to provide unit and email addresses for the purpose of notifying the military members where to obtain absentee ballots.

19. To the Department of Homeland Security for the conduct of studies related to the health and well-being of Coast Guard members and to authenticate and identify Coast Guard personnel.

20. To Coast Guard recruiters in the performance of their assigned duties.

The DoD ''Blanket Routine Uses'' published at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes and disks, and are housed in a controlled computer media library.

RETRIEVABILITY:

Records about individuals are retrieved by an algorithm which uses name, Social Security Number, date of birth, rank, and duty location as possible inputs. Retrievals are made on summary basis by geographic characteristics and location and demographic characteristics. Information about individuals will not be distinguishable in summary retrievals. Retrievals for the purposes of generating address lists for direct mail distribution may be made using selection criteria based on geographic and demographic keys.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, and administrative procedures (e.g., fire protection regulations).

Access to personal information is restricted to those who require the records in the performance of their official duties, and to the individuals who are the subjects of the record or their authorized representatives. Access to personal information is further restricted by the use of passwords, which are changed periodically. All individuals granted access to this system of records are to have received Information Assurance and Privacy Act training.

RETENTION AND DISPOSAL:

Data is destroyed when superseded or when no longer needed for operational purposes, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Written requests for the information should contain full name and Social Security Number of individual and sponsor, date of birth, rank, and duty location.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Written requests for the information should contain full name and Social Security Number of individual and sponsor, date of birth, rank, and duty location.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Individuals, personnel pay, and benefit systems of the military and civilian departments and agencies of the

Defense Department, the Coast Guard, the Public Health Service, the National Oceanic and Atmospheric Administration, Department of Veterans Affairs, and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–10 Filed 1–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Secretary of Defense

[DOD–2006–OS–0227]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 7, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system reports, as required by 5 U.S.C. 552a(r), of the Privacy Act of 1974, as amended, were submitted on December 28, 2006, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: December 29, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base (June 8, 2004, 70 FR 31974).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete second paragraph.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete from entry ''Individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973,'' ''Individuals responding to recruiting advertisements since January 1987,'' and ''All Federal (non-postal) civilian employees and.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Add two new paragraphs to the entry: ''Index fingerprints of Military Entrance Processing Command (MEPCOM) applicants'' and ''Privacy Act audit logs.''

* * * * *

PURPOSE(S):

Last paraphrase in the first paragraph should be a new paragraph.

In the newly renumbered third paragraph replace ''the histories of human chemical or biological testing or exposure; to conduct scientific studies or medical follow up programs'' with ''studies and policy as related to the health and well-being of current and past military and DOD affiliated personnel;''

Delete the former third paragraph in its entirety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add a new paragraph 1.d. as follows: ''d. Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension program (38 U.S.C. 5106). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.'' Renumber/reletter paragraphs accordingly.

In the newly renumbered paragraph 1.e. delete paragraph (5) in its entirety.

Delete former paragraphs 2.b.(1) and (2) in their entirety, renumbering paragraphs accordingly.

Add a new paragraph 2.c. as follows: ''Matching for administrative purposes to include updated employer addresses of Federal civil service employees who are reservists and demographic data on civil service employees who are reservists.''

Add a new paragraph 4.e. as follows: ''To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) for the purpose of determining continued eligibility and help eliminate fraud and abuse in benefit programs by identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.''

Delete former paragraphs 7, 9, 10, 12, 14, 15, 16, 18, and 19. Renumber paragraphs accordingly.

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Access to personal information is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of Common Access Cards (CAC). Physical entry is restricted by the use of locks, guards, and administrative procedures. All individuals granted access to this system of records are to have taken Information Assurance and Privacy Act training; all have been through the vetting process and have ADP ratings.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Record sources are individuals via survey questionnaires, the military services, the Department of Veteran Affairs, the U. S. Coast Guard, the National Oceanic and Atmospheric Administration, the Public Health Service, the Office of Personnel Management, Environmental Protection Agency, Department of Health and Human Services, Department of Energy, Executive Office of the President, and the Selective Service System.''

* * * * *

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army, Navy, Air Force and Marine Corps officer and enlisted personnel who served on active duty from July 1, 1968, and after or who have been a member of a reserve component since July 1975; retired Army, Navy, Air Force, and Marine Corps officer and enlisted personnel; active and retired Coast Guard personnel; active and retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; active and retired members of the commissioned corps of the Public Health Service; participants in Project 100,000 and Project Transition, and the evaluation control groups for these programs. All individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later.

Current and former DOD civilian employees since January 1, 1972. All veterans who have used the GI Bill education and training employment services office since January 1, 1971. All veterans who have used GI Bill education and training entitlements, who visited a state employment service office since January 1, 1971, or who participated in a Department of Labor special program since July 1, 1971. All individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute and all individuals who ever participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969.

Participants in the Department of Health and Human Services National Longitudinal Survey.

Survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Department of Veterans Affairs; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors; survivors of retired Coast Guard personnel; and survivors of retired officers of the National Oceanic and Atmospheric Administration and the Public Health Service who are eligible for or are currently receiving Federal payments due to the death of the retiree.

Individuals receiving disability compensation from the Department of Veterans Affairs or who are covered by a Department of Veterans Affairs insurance or benefit program; dependents of active and retired members of the Uniformed Services, selective service registrants.

Individuals receiving a security background investigation as identified in the Defense Central Index of Investigation. Former military and civilian personnel who are employed by DOD contractors and are subject to the provisions of 10 U.S.C. 2397.

All Federal civilian retirees.

All non appropriated funded individuals who are employed by the Department of Defense.

Individuals who were or may have been the subject of tests involving chemical or biological human subject testing; and individuals who have inquired or provided information to the Department of Defense concerning such testing.

Individuals who are authorized web access to DMDC computer systems and databases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized personnel/employment/pay records consisting of name, Service Number, Selective Service Number, Social Security Number, citizenship data, compensation data, demographic information such as home town, age, sex, race, and educational level; civilian occupational information; performance ratings of DOD civilian employees and military members; reasons given for leaving military service or DOD civilian service; civilian and military acquisition work force warrant location, training and job specialty information; military personnel information such as rank, assignment/deployment, length of service, military occupation, aptitude scores, post service education, training, and employment information for veterans; participation in various in-service education and training programs; date of award of certification of military experience and training; military hospitalization and medical treatment, immunization, and pharmaceutical dosage records; home and work addresses; and identities of individuals involved in incidents of child and spouse abuse, and information about the nature of the abuse and services provided.

CHAMPUS claim records containing enrollee, patient and health care facility, provided data such as cause of treatment, amount of payment, name and Social Security or tax identification number of providers or potential providers of care.

Selective Service System registration data.

Index fingerprints of Military Entrance Processing Command (MEPCOM) applicants.

Privacy Act audit logs.

Department of Veterans Affairs disability payment records.

Credit or financial data as required for security background investigations.

Criminal history information on individuals who subsequently enter the military.

Office of Personnel Management (OPM) Central Personnel Data File (CPDF), an extract from OPM/GOVT–1, General Personnel Records, containing employment/personnel data on all Federal employees consisting of name, Social Security Number, date of birth, sex, work schedule (full time, part time, intermittent), annual salary rate (but not actual earnings), occupational series, position occupied, agency identifier, geographic location of duty station, metropolitan statistical area, and personnel office identifier. Extract from Office of Personnel Management (OPM) OPM/CENTRAL–1, Civil Service Retirement and Insurance Records, including postal workers covered by Civil Service Retirement, containing Civil Service Claim number, date of birth, name, provision of law retired under, gross annuity, length of service, annuity commencing date, former employing agency and home address. These records provided by OPM for approved computer matching.

Non appropriated fund employment/personnel records consist of Social Security Number, name, and work address.

Military drug test records containing the Social Security Number, date of specimen collection, date test results reported, reason for test, test results, base/area code, unit, service, status (active/reserve), and location code of testing laboratory.

Names of individuals, as well as DMDC assigned identification numbers, and other user-identifying data, such as organization, Social Security Number, email address, phone number, of those having web access to DMDC computer systems and databases, to include dates and times of access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. App. 3 (Pub. L. 95–452, as amended (Inspector General Act of 1978)); 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 1562, Database on Domestic Violence Incidents; Pub. L. 106–265, Federal Long-Term Care Insurance; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN).

PURPOSE(S):

The purpose of the system of records is to provide a single central facility within the Department of Defense to assess manpower trends, support personnel and readiness functions, to perform longitudinal statistical analyses, identify current and former DOD civilian and military personnel for purposes of detecting fraud and abuse of pay and benefit programs, to register current and former DOD civilian and military personnel and their authorized dependents for purposes of obtaining medical examination, treatment or other benefits to which they are qualified.

To collect debts owed to the United States Government and state and local governments.

Information will be used by agency officials and employees, or authorized contractors, and other DOD Components in the preparation of studies and policy as related to the health and well-being of current and past military and DOD affiliated personnel; to respond to Congressional and Executive branch inquiries; and to provide data or documentation relevant to the testing or exposure of individuals.

Military drug test records will be maintained and used to conduct longitudinal, statistical, and analytical studies and computing demographic reports on military personnel. No personal identifiers will be included in the demographic data reports. All requests for Service specific drug testing demographic data will be approved by the Service designated drug testing program office. All requests for DOD wide drug testing demographic data will be approved by the DOD Coordinator for Drug Enforcement Policy and Support, 1510 Defense Pentagon, Washington, DC 20301–1510.

DMDC web usage data will be used to validate continued need for user access to DMDC computer systems and databases, to address problems associated with web access, and to ensure that access is only for official purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the Department of Veterans Affairs (DVA):

a. To provide military personnel and pay data for present and former military personnel for the purpose of evaluating use of veterans benefits, validating benefit eligibility and maintaining the health and well being of veterans and their family members.

b. To provide identifying military personnel data to the DVA and its insurance program contractor for the purpose of notifying separating eligible Reservists of their right to apply for Veteran's Group Life Insurance coverage under the Veterans Benefits Improvement Act of 1996 (38 U.S.C. 1968).

c. To register eligible veterans and their dependents for DVA programs.

d. Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension program (38 U.S.C. 5106). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

e. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of:

(1) Providing full identification of active duty military personnel, including full time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program. The information is used to determine continued eligibility for DVA disability compensation to recipients who have returned to active duty so that benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment (38 U.S.C. 5304(c)).

(2) Providing military personnel and financial data to the Veterans Benefits Administration, DVA for the purpose of determining initial eligibility and any changes in eligibility status to insure proper payment of benefits for GI Bill education and training benefits by the DVA under the Montgomery GI Bill (Title 10 U.S.C., Chapter 1606—Selected Reserve and Title 38 U.S.C., Chapter 30—Active Duty). The administrative responsibilities designated to both agencies by the law require that data be exchanged in administering the programs.

(3) Providing identification of reserve duty, including full time support National Guard/Reserve military personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 12316) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

(4) Providing identification of former active duty military personnel who received separation payments to the DVA for the purpose of deducting such repayment from any DVA disability compensation paid. The law requires recoupment of severance payments before DVA disability compensation can be paid (10 U.S.C. 1174).

f. To provide identifying military personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).

2. To the Office of Personnel Management (OPM):

a. Consisting of personnel/employment/financial data for the purpose of carrying out OPM's management functions. Records disclosed concern pay, benefits, retirement deductions and any other information necessary for those management functions required by law (Pub. L. 83–598, 84–356, 86–724, 94–455 and 5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347).

b. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) for the purpose of:

(1) Exchanging personnel and financial data to identify individuals who are improperly receiving military retired pay and credit for military service in their civil service annuities, or annuities based on the 'guaranteed minimum' disability formula. The match will identify and/or prevent erroneous payments under the Civil Service Retirement Act (CSRA) 5 U.S.C. 8331 and the Federal Employees' Retirement System Act (FERSA) 5 U.S.C. 8411. DOD's legal authority for monitoring retired pay is 10 U.S.C. 1401.

(2) Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and cannot be released for extended active duty in the event of mobilization. Employing Federal agencies are informed of the reserve status of those affected personnel so that a choice of terminating the position or the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for

the Screening of the Ready Reserve of the Armed Services.

c. Matching for administrative purposes to include updated employer addresses of Federal civil service employees who are reservists and demographic data on civil service employees who are reservists.

3. To the Internal Revenue Service (IRS) for the purpose of obtaining home addresses to contact Reserve component members for mobilization purposes and for tax administration. For the purpose of conducting aggregate statistical analyses on the impact of DOD personnel of actual changes in the tax laws and to conduct aggregate statistical analyses to lifestream earnings of current and former military personnel to be used in studying the comparability of civilian and military pay benefits. To aid in administration of Federal Income Tax laws and regulations, to identify non compliance and delinquent filers.

4. To the Department of Health and Human Services (DHHS):

a. To the Office of the Inspector General, DHHS, for the purpose of identification and investigation of DOD employees and military members who may be improperly receiving funds under the Aid to Families of Dependent Children Program.

b. To the Office of Child Support Enforcement, Federal Parent Locator Service, DHHS, pursuant to 42 U.S.C. 653 and 653a; to assist in locating individuals for the purpose of establishing parentage; establishing, setting the amount of, modifying, or enforcing child support obligations; or enforcing child custody or visitation orders; and for conducting computer matching as authorized by E.O. 12953 to facilitate the enforcement of child support owed by delinquent obligors within the entire civilian Federal government and the Uniformed Services work force (active and retired). Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.

Note 1: Information requested by DHHS is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

Note 2: Quarterly wage information is not disclosed for those individuals performing intelligence or counter intelligence functions and a determination is made that disclosure could endanger the safety of the individual or compromise an ongoing investigation or intelligence mission (42 U.S.C. 653(n)).

c. To the Health Care Financing Administration (HCFA), DHHS for the purpose of monitoring HCFA reimbursement to civilian hospitals for Medicare patient treatment. The data will ensure no Department of Defense physicians, interns, or residents are counted for HCFA reimbursement to hospitals.

d. To the Center for Disease Control and the National Institutes of Mental Health, DHHS, for the purpose of conducting studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members.

e. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of determining continued eligibility and help eliminate fraud and abuse in benefit programs by identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

5. To the Social Security Administration (SSA):

a. To the Office of Research and Statistics for the purpose of (1) conducting statistical analyses of impact of military service and use of GI Bill benefits on long term earnings, and (2) obtaining current earnings data on individuals who have voluntarily left military service or DOD civil employment so that analytical personnel studies regarding pay, retention and benefits may be conducted.

Note 3: Earnings data obtained from the SSA and used by DOD does not contain any information that identifies the individual about whom the earnings data pertains.

b. To the Bureau of Supplemental Security Income for the purpose of verifying information provided to the SSA by applicants and recipients/beneficiaries, who are retired members of the Uniformed Services or their survivors, for Supplemental Security Income (SSI) or Special Veterans' Benefits (SVB). By law (42 U.S.C. 1006 and 1383), the SSA is required to verify eligibility factors and other relevant information provided by the SSI or SVB applicant from independent or collateral sources and obtain additional information as necessary before making SSI or SVB determinations of eligibility, payment amounts, or adjustments thereto.

c. To the Client Identification Branch for the purpose of validating the assigned Social Security Number for individuals in DOD personnel and pay files, using the SSA Enumeration Verification System (EVS).

6. To the Selective Service System (SSS) for the purpose of facilitating compliance of members and former members of the Armed Forces, both active and reserve, with the provisions of the Selective Service registration regulations (50 U.S.C. App. 451 and E.O. 11623).

7. To the Department of Labor (DOL) to reconcile the accuracy of unemployment compensation payments made to former DOD civilian employees and military members by the states. To the Department of Labor to survey military separations to determine the effectiveness of programs assisting veterans to obtain employment.

8. To Federal and Quasi Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior military service credit for their employees or for job applications. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and abuse pursuant to the authority contained in the Inspector General Act of 1978, as amended (Pub. L. 95–452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements.

9. To consumer reporting agencies to obtain current addresses of separated military personnel to notify them of potential benefits eligibility.

10. To state and local law enforcement investigative agencies to obtain criminal history information for the purpose of evaluating military service performance and security clearance procedures (10 U.S.C. 2358).

11. To Federal and Quasi Federal agencies, territorial, state and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members. DMDC will disclose information from this system of records for research purposes when DMDC:

a. has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy

the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

12. To the Educational Testing Service, American College Testing, and like organizations for purposes of obtaining testing, academic, socioeconomic, and related demographic data so that analytical personnel studies of the Department of Defense civilian and military workforce can be conducted.

Note 4: Data obtained from such organizations and used by DOD does not contain any information that identifies the individual about whom the data pertains.

13. To Federal and State agencies for purposes of obtaining socioeconomic information on Armed Forces personnel so that analytical studies can be conducted with a view to assessing the present needs and future requirements of such personnel.

14. To Federal and state agencies for purposes of validating demographic data (e.g., Social Security Number, citizenship status, date and place of birth, etc.) for individuals in DOD personnel and pay files so that accurate information is available in support of DOD requirements.

15. To the Bureau of Citizenship and Immigration Services, Department of Homeland Security, for purposes of facilitating the verification of individuals who may be eligible for expedited naturalization (Pub. L. 108–136, Section 1701, and E.O. 13269, Expedited Naturalization).

16. To Federal and State agencies, as well as their contractors and grantees, for purposes of providing military wage, training, and educational information so that Federal-reporting requirements, as mandated by statute, such as the Workforce Investment Act (29 U.S.C. 2801, et seq.) and the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301, et seq.) can be satisfied.

The DOD 'Blanket Routine Uses' set forth at the beginning of the DLA compilation of record system notices apply to this record system.

Note 5: Military drug test information involving individuals participating in a drug abuse rehabilitation program shall be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. This statute takes precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The DOD 'Blanket Routine Uses' do not apply to these types records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, occupation, or any other data element contained in system.

SAFEGUARDS:

Access to personal information is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of Common Access Cards (CAC). Physical entry is restricted by the use of locks, guards, and administrative procedures. All individuals granted access to this system of records are to have taken Information Assurance and Privacy Act training; all have been through the vetting process and have ADP ratings.

RETENTION AND DISPOSAL:

The records are used to provide a centralized system within the Department of Defense to assess manpower trends, support personnel functions, perform longitudinal statistical analyses, conduct scientific studies or medical follow-up programs and other related studies/analyses. Records are retained as follows:

(1) Input/source records are deleted or destroyed after data have been entered into the master file or when no longer needed for operational purposes, whichever is later. Exception: Apply NARA-approved disposition instructions to the data files residing in other DMDC data bases.

(2) The Master File is retained permanently. At the end of the fiscal year, a snapshot is taken and transferred to the National Archives in accordance with 36 CFR part 1228.270 and 36 CFR part 1234.

(3) Output records (electronic or paper summary reports) are deleted or destroyed when no longer needed for operational purposes. Note: This disposition instruction applies only to recordkeeping copies of the reports retained by DMDC. The DOD office requiring creation of the report should maintain its recordkeeping copy in accordance with NARA approved disposition instructions for such reports.

(4) System documentation (codebooks, record layouts, and other system documentation) are retained permanently and transferred to the National Archives along with the master file in accordance with 36 CFR part 1228.270 and 36 CFR part 1234.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, DOD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record sources are individuals via survey questionnaires, the military services, the Department of Veteran Affairs, the U. S. Coast Guard, the National Oceanic and Atmospheric Administration, the Public Health Service, the Office of Personnel Management, Environmental Protection Agency, Department of Health and Human Services, Department of Energy, Executive Office of the President, and the Selective Service System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–11 Filed 1–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[USA–006–0042]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army proposes to alter a system of records notice in its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 7, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–FPZ, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dickerson at (703) 428–6513.

SUPPLEMENTARY INFORMATION: The notice was published on October 25, 2005 at 70 FR 61607. There were numerous comments, but many were virtually identical in format and content. We agree, in part, with some of the comments, and where so, we have made changes to the system notice.

The commenter's observe that the system violates victims' (and offender's) privacy rights. We disagree. The inclusion of personal information in the SADMS does not violate law or contravene public policy. The personal identifying information (PII) that will be incorporated into the Sexual Assault Data Management System (SADMS) already exists in other Army information systems that are identified in the system notice. SADMS simply consolidates data for the purposes set forth in the notice.

The commenter's remark that use of PII would deter victims from reporting sexual assaults. We disagree. The Army Sexual Assault Prevention and Response (SAPR) Program is designed to foster the confidence of Soldiers and increase their likelihood of reporting. It is widely recognized that sexual assault is the most underreported crime in the United States. SADMS, as a consolidation of data reported and captured in other Army information systems, will enable Army SAPR Program officials to assess the effectiveness of the Army's response and prevention program and to make necessary and appropriate changes to policy and procedure to correct any identified weaknesses or failings in the program. Incident to analyzing the data in the system, great care is taken, both technically and procedurally, to ensure that the privacy and confidentiality of victim data is preserved and protected. Fewer than ten individuals in or supporting the Headquarters Department of the Army (HQDA) SAPR Program Office will be authorized direct system access to PII contained in the SADMS, but only on an as needed basis for purposes of discharging their SAPR Program management responsibilities. Additionally, the Assistant Deputy Chief of Staff, G–1 (Personnel) must explicitly approve such access prior to personnel being granted system privileges (or permissions), to access PII within the SADMS. No other Department of the Army personnel will be authorized direct access to PII in SADMS. Victims can be assured that their PII is not disseminated throughout the Army, but is only disclosed in accordance with authorized program management purposes.

The commenter's observe that personally identifying information should not be included in the system. We disagree. As indicated above, SADMS is a consolidation of sexual assault incident and response data previously reported and captured in other Army information systems. It is designed to provide Army SAPR program leaders a holistic view of these incidents, to measure the effectiveness of the Army's SAPR Program, to support the management of the program as recommended by the Acting Secretary of the Army's Task Force Report on Sexual Assault Policies published in May 2004, and to respond to queries by Congress and/or Senior Army Leaders. To ensure it fulfills these purposes, it is critically important that data contained in the system be accurate. Analysis of sexual assault incident and response data across all the SADMS feeder systems identified in the systems notice demonstrates that the most effective way to accurately synthesize these separate information systems is to correlate data by common data fields—the personal identifying information. Inclusion of this information is the most efficient means of assuring that accurate information is received and correlated from these feeder systems.

The commenter's question the rationale for developing a separate data management system in addition to the Defense Incident-Based Reporting System (DIBRS). The Army elected to develop and implement the SADMS because the Defense Incident Based Reporting System (DIBRS) did not provide the information necessary to manage and measure the effectiveness of the different components of the Army's SAPR Program. DIBRS, while containing incident, investigative and offender accountability information, does not address support services being made available to and/or received by victims. The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies found that the Army lacked a centralized system to document all relevant data regarding sexual assault cases, including care provided to the victim. The Task Force recognized that critical information is not available at a single location, information that could provide greater understanding about how well the Army's sexual assault prevention and response policies and procedures are working. At the time when the report was issued, all available Army data on sexual assaults, victims, and alleged perpetrators resided in different systems across several Army organizations. This decentralization made it difficult to follow victims, alleged perpetrators, and cases between services, components, and organizations. SADMS is designed to specifically address this shortcoming and to provide Army SAPR Program leaders the capability to manage and measure the effectiveness of the Army's SAPR Program.

The commenters point out that it is unclear who will have access to the SADMS. As indicated above, the SADMS will only operate in support of HQDA (Army G–1) Sexual Assault Prevention and Response (SAPR) Program requirements. As discussed above, fewer than ten individuals in or supporting the HQDA SAPR Program Office will be authorized direct system access to personal identifying

information (PII) contained in the SADMS and only then for authorized SADMS purposes. Moreover, as stated above, no PII in SADMS will be disclosed in response to internal Army requests for information unless specifically approved for release first by the functional system owner(s) of the data and then by either the Assistant Deputy Chief of Staff, G–1 or the Deputy Assistant Secretary of the Army for Human Resources, either of whom must personally determine that the requester's need to know is at least equal to, if not greater than, the potential impact of divulging the PII and that disclosure is otherwise consistent with law and regulation. Limiting SADMS access and disclosure authority will ensure that information management processes are firmly established across this small population of users. And finally, but most importantly, commanders or others will not have access to PII contained within SADMS. SADMS information will not be used to inform or influence command or legal process decisions with respect to either victims or offenders. Other than as described above, SADMS data is neither accessible by nor releasable to the general public except to the extent mandated by law, e.g., the Freedom of Information Act. As indicated above, great care is being taken, both technically and procedurally, to ensure that the privacy and confidentiality of the PII is preserved and protected.

The commenters remark that persons accused of sexual assault may be exempt from being included in SADMS based upon rank or security clearance. We disagree. The term ''exemptions'' refers to statutory exemptions that an agency may claim for its record systems. As stated in the notice and exemption rule for the SADMS, an exemption has been claimed but only to the extent that the SADMS record is obtained from an Army information system for which an exemption has been previously claimed. In effect, SADMS will claim the same exemptions as claimed for the original system, but only if the purpose underlying the exemption for the original record still pertains to the record which is now contained in SADMS. Moreover, sexual assault incident reporting is not predicated on or affected by rank or security clearance. No one in the Army is exempt from inclusion in the SADMS if their information is captured and reported by one of the Army information systems identified in the SADMS systems notice. All reported incidents will be captured and where the investigative process determines an allegation to be founded, offender information will be maintained within the SADMS. Upon completion of actions by an offender's chain of command, information on disposition of all judicial or nonjudicial and administrative actions adjudged and/or ordered will be maintained within the SADMS as well.

The commenters observe that the system will infringe upon due process rights of victims and alleged offenders. We disagree. PII on alleged offenders will be added to the system after an allegation is determined to be ''founded'' as reflected in the final report of investigation by the lead investigating agency. Final disposition of these charges, once completed, will also be maintained within SADMS records. As discussed above, no PII contained within SADMS will be disclosed in response to any request for information unless specifically approved for release first by SAPR program office and then by either the Assistant Deputy Chief of Staff, G–1 or the Deputy Assistant Secretary of the Army for Human Resources or otherwise required by law. As with the source systems, PII will remain protected under the Privacy Act. Administrative, physical and technical safeguards have been established to prevent unauthorized access to the information maintained in SADMS. Limitations on the number of personnel with direct system access to PII in SADMS support efforts to minimize/eliminate unauthorized disclosure of this information. As discussed above, fewer than ten individuals in the Army will have direct system access to the personal identifying information in the system. This direct access to PII will be restricted to those individuals at the Army headquarters level who have an official need for this information in order to discharge their Army SAPR Program management responsibilities. If, and when, a decision is made to extend SADMS access beyond the Army SAPR Program Office, other Army users of the SADMS will not have access to personal identifying information contained within the system. Their access will be limited to aggregated, non-personal identifying information. Moreover, as stated above, commanders or others will not have access to PII contained in SADMS. SADMS information will not be used to inform or influence command or legal process decisions with respect to either victims or offenders. Additionally, ongoing education efforts will continually sensitize personnel authorized to view PII within SADMS that the privacy and confidentiality of the data must be preserved and protected, thereby ensuring that the data is only used as authorized.

The commenters remark that the system is inconsistent with DoD confidentiality policy. We disagree. Sexual assault victims have two options for reporting incidents in accordance with the DoD Confidentiality policy: ''Unrestricted'' or ''Restricted'' reporting. ''Unrestricted'' reporting allows a victim who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels. ''Restricted'' reporting means a victim can, on a confidential basis, disclose the details of his/her assault to the Sexual Assault Response Coordinator, victim advocate, chaplain or a healthcare provider and receive medical treatment and counseling, without triggering the official investigative process. Where victims choose restricted reporting, no PII will be contained within SADMS, nor will any combination of other potentially identifying information be maintained that could reasonably lead to the discovery of a victim's identity. SADMS supports the DoD confidentiality policy and its intent of fostering the confidence of victims to report incidents of sexual assault.

The commenters observe that SADMS will include detailed medical treatment information. We disagree. There will be no information provided to or maintained in SADMS concerning the substance or nature of medical care provided. Medical information is provided to the SADMS only when victims are Army servicemembers and elect unrestricted reporting. As indicated in the system notice, the data provided is limited to start and end dates of medical treatment resulting from sexual assault and the aggregate number of episodes of care received.

In view of the foregoing discussion, we have made changes to the system notice in an effort to eliminate any potential ambiguity or lack of clarity that now exists. The changes do not substantively change the design of SADMS design or its present reliance on the use of personal identifying information to accurately correlate the data it will receive from the functional, Army data sources identified.

Among the more significant changes are:

We have simplified the description of the individuals covered by the system to make clear that the individual must be a uniformed member of the Army, as either a victim or an alleged perpetrator of a sexual assault, in order for his or

her name, and data related to the sexual assault, to be included in the system of records.

We have expanded the safeguards to explain in greater detail the protections afforded the system and to identify who will have access to the system.

We have deleted the ''Blanket Routine Uses'' from the notice, finding that, in general, their inclusion is inconsistent with the objectives sought by the Army for this system.

The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 28, 2006, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

December 29, 2006.

L.M. Bynum,

Alternate Federal Register Liaison Officer, Department of Defense.

A0600–20 DCS, G–1

SYSTEM NAME:

Sexual Assault Data Management System (SADMS) Files (October 25, 2005, 70 FR 61607).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with: ''Headquarters, Department of the Army. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with: ''Any uniformed member of the Army who has been identified as the victim of a sexual assault. Any person who has been identified as the victim of a sexual assault allegedly committed by a uniformed member of the Army. Any person who has been identified as the perpetrator of an alleged sexual assault against a uniformed member of the Army. Any uniformed member of the Army who has been identified as the perpetrator of an alleged sexual assault.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with: ''Name; Social Security Number; date of birth; rank; demographic information; investigative or related information pertaining to a sexual assault incident; initial and final treatment dates and aggregate count of intermediate medical treatment contacts with the victim (only for those victims that are uniformed members of the Army and elect unrestricted reporting); information from records/reports relating to victim support extended by installation and/or unit advocates; and actions taken by commanders against offenders. Where a victim elects confidential or ''restricted'' reporting pursuant to the DoD confidentiality policy that went into effect June 14, 2005, neither personal identifying information concerning the victim nor investigative information or action taken against the alleged offender will be maintained in the system.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add the following to the entry: ''DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program''

PURPOSE(S):

Delete entry and replace with: ''To provide a centralized repository of relevant data regarding the entire lifecycle of sexual assault cases, involving victims and/or alleged offenders who are members of the Army (either the victim and/or alleged offender(s) must be a uniformed member of the Army) and to provide aggregate statistical data and management reports to enable Army SAPR Program leaders to assess the effectiveness of both response and prevention and to make necessary and appropriate changes to policy and procedures to correct any identified weaknesses or failings in the system.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Change the last sentence of the entry to read ''The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records do not apply to this system.''

* * * * *

SAFEGUARDS:

Delete entry and replace with: ''Appropriate administrative, technical and physical safeguards have been established to ensure that records in the Sexual Assault Data Management System are protected from unauthorized alteration or disclosure and that privacy and confidentiality is preserved and protected. All records are maintained in areas accessible only to authorized personnel who have an official need for access in order to perform their assigned responsibilities and duties. Automated records are further protected by assignment of user identification and passwords, which are changed at random times, to protect the system from unauthorized access. The system employs a Secure Socket Layer (SSL) certificate and encryption process to provide further protection from unauthorized access.

Direct system access to personal identifying information (PII) is restricted to only those individuals in or supporting the Headquarters Department of the Army (HQDA) Sexual Assault Prevention and Response (SAPR) Program Office as needed to discharge their SAPR Program management responsibilities. Personnel with direct system access to personal identifying data within SADMS will receive detailed and continuous training on proper handling and safeguarding of this information. Likewise, no PII contained in SADMS will be disclosed in response to any internal request for information unless specifically approved for release first by the functional system owner(s) of the data and then by either the Assistant Deputy Chief of Staff, G–1 or the Deputy Assistant Secretary of the Army for Human Resources, either of whom must personally determine that the requester's need to know is at least equal to, if not greater than, the potential impact of divulging the PII, and that disclosure is otherwise consistent with law and regulation. Limiting SADMS access and disclosure authority will ensure that information management processes are firmly established across this small population of users. SADMS information will not be used to inform or influence command or legal process decisions with respect to either victims or offenders. Unauthorized disclosure of personal identifying information will not be tolerated and personnel responsible for this disclosure may be subject to criminal prosecution under federal law or the Uniform Code of Military Justice. During non-duty hours, military police or contract guard patrols ensure protection against unauthorized access. Except as required by law, such as the Privacy Act, PII within the system is not accessible by members of the general public.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with: ''Records in this system are derived from data originally maintained in the following official Army systems: Army Criminal Investigation Intelligence System (ACI2); Central Operations Police Suite (COPS); Sexual Assault Response Program Tracking Application (SARPTA); Defense Case Record Management System (DCRMS) (Army module); and Army Court Martial Information System (ACMIS).''

* * * * *

A0600–20 DCS, G–1

SYSTEM NAME:

Sexual Assault Data Management System (SADMS) Files.

SYSTEM LOCATION:

Headquarters, Department of the Army. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any uniformed member of the Army who has been identified as the victim of a sexual assault. Any person who has been identified as the victim of a sexual assault allegedly committed by a uniformed member of the Army. Any person who has been identified as the perpetrator of an alleged sexual assault against a uniformed member of the Army. Any uniformed member of the Army who has been identified as the perpetrator of an alleged sexual assault.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; date of birth; rank; demographic information; investigative or related information pertaining to a sexual assault incident; initial and final treatment dates and aggregate count of intermediate medical treatment contacts with the victim (only for those victims that are uniformed members of the Army and elect unrestricted reporting); information from records/reports relating to victim support extended by installation and/or unit advocates; and actions taken by commanders against offenders. Where a victim elects confidential or ''restricted'' reporting pursuant to the DoD confidentiality policy that went into effect June 14, 2005, neither personal identifying information concerning the victim nor investigative information or action taken against the alleged offender will be maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 108–375, Section 577; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program; AR 27–10 Military Justice; AR 40–66 Medical Record Administration and Health Care Documentation; AR 195–2 Criminal Investigation Activities; AR 608–18, Family Advocacy Program; AR 600–20, Army Command Policy; and EO 9397(SSN).

PURPOSE(S):

To provide a centralized repository of relevant data regarding the entire lifecycle of sexual assault cases, involving victims and/or alleged offenders who are members of the Army (either the victim and/or alleged offender(s) must be a uniformed member of the Army) and to provide aggregate statistical data and management reports to enable Army SAPR Program leaders to assess the effectiveness of both response and prevention and to make necessary and appropriate changes to policy and procedures to correct any identified weaknesses or failings in the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: To Congress and other agencies, as appropriate, to further the goals of Public Law 108–375. The DoD ''Blanket Routine Uses'' set forth at the beginning of the Army's compilation of systems of records do not apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name and Social Security Number (SSN).

SAFEGUARDS:

Appropriate administrative, technical and physical safeguards have been established to ensure that records in the Sexual Assault Data Management System are protected from unauthorized alteration or disclosure and that privacy and confidentiality is preserved and protected. All records are maintained in areas accessible only to authorized personnel who have an official need for access in order to perform their assigned responsibilities and duties. Automated records are further protected by assignment of user identification and passwords, which are changed at random times, to protect the system from unauthorized access. The system employs a Secure Socket Layer (SSL) certificate and encryption process to provide further protection from unauthorized access. Direct system access to personal identifying information (PII) is restricted to only those individuals in or supporting the Headquarters Department of the Army (HQDA) Sexual Assault Prevention and Response (SAPR) Program Office as needed to discharge their SAPR Program management responsibilities. Personnel with direct system access to personal identifying data within SADMS will receive detailed and continuous training on proper handling and safeguarding of this information. Likewise, no PII contained in SADMS will be disclosed in response to any internal request for information unless specifically approved for release first by the functional system owner(s) of the data and then by either the Assistant Deputy Chief of Staff, G–1 or the Deputy Assistant Secretary of the Army for Human Resources, either of whom must personally determine that the requester's need to know is at least equal to, if not greater than, the potential impact of divulging the PII, and that disclosure is otherwise consistent with law and regulation. Limiting SADMS access and disclosure authority will ensure that information management processes are firmly established across this small population of users. SADMS information will not be used to inform or influence command or legal process decisions with respect to either victims or offenders. Unauthorized disclosure of personal identifying information will not be tolerated and personnel responsible for this disclosure may be subject to criminal prosecution under federal law or the Uniform Code of Military Justice. During non-duty hours, military police or contract guard patrols ensure protection against unauthorized access. Except as required by law, such as the Privacy Act, PII within the system is not accessible by members of the general public.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration has approved retention and disposition of these records, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Factors Division, Deputy Chief of Staff, Army G–1, ATTN:

DAPE–HRH, 300 Army Pentagon, Washington, DC 20310–0300.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Deputy Chief of Staff, Army G–1, ATTN: DAPE–HRH, 300 Army Pentagon, Washington, DC 20310–0300.

Individual should provide his/her full name, current address, telephone number, and other personal identifying data that would assist in locating the records. The inquiry must be signed.

RECORDS ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff, Army G–1, ATTN: DAPE–HRH, 300 Army Pentagon, Washington, DC 20310–0300.

Individual should provide his/her full name, current address, telephone number, and other personal identifying data that would assist in locating the records. The inquiry must be signed.

CONTESTING RECORDS PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are derived from data originally maintained in the following official Army systems: Army Criminal Investigation Intelligence System (ACI2); Central Operations Police Suite (COPS); Sexual Assault Response Program Tracking Application (SARPTA); Defense Case Record Management System (DCRMS) (Army module); and Army Court Martial Information System (ACMIS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is a compilation of information from other Department of Army systems of records. To the extent that copies of exempt records from those other systems of records are entered into SADMS, the Army G–1 hereby claims the same exemptions for the records from those other systems that are entered into this system, as claimed for the original primary system of which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. E7–7 Filed 1–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[USN–2006–0070]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Navy proposes to alter a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 7, 2007, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system reports, as required by 5 U.S.C. 552a (r), of the Privacy Act of 1974, as amended, were submitted on December 28, 2006, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: December 29, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N12771–1

SYSTEM NAME:

Employee Grievances, Discrimination Complaints, and Adverse Action Appeals. (August 9, 1993, 58 FR 42303)

CHANGES:

SYSTEM IDENTIFIER:

Delete ''N12771–1'' and replace with ''NM12771–1.''

SYSTEM NAME:

Delete entry and replace with ''Discrimination Complaints.''

SYSTEM LOCATION:

Delete entry and replace with ''Naval Office of EEO Complaints and Adjudication (NAVOECMA), 614 Sicard Street, SE, Suite 100, Washington Navy Yard, DC 20374–5072; field activities employing civilians and servicing Human Resources Offices (HROs). Official mailing addresses are published in the Standard Navy Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx.''*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Before the word ''applicants'' add ''civilian.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; transcripts of hearings held; administrative judges' reports of findings and recommended actions; advisory memoranda from the Chief of Naval Operations, Chief of Naval Personnel, Department of Defense, Systems Commands; Secretary of the Navy decisions; reports of actions taken by local activities; comments by NAVOECMA or local activities on appeals made to the Equal Employment Opportunity Commission (EEOC); EEOC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained in a computer data base.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 1301, 3301, 3302, 7201–7204, 7301, 7701; 10 U.S.C. 5013, Secretary of the Navy; and 10 U.S.C. 5041, Headquarters, Marine Corps.''

PURPOSE(S):

Delete entry and replace with ''This information is used by NAVOECMA to adjudicate cases. Systems Commands, the Chief of Naval Operations, and the Office of Civilian Resources (OCHR) are internal users for informational/implementational purposes. Individual members acting on behalf of the individual involved are supplied with copies of decisions and other appropriate background material. Grievants and appellants are furnished Secretary of the Navy decisions, with copies to their representatives, EEO complainants are furnished Secretary of the Navy (SECNAV) decisions, with copies of the hearing transcripts and administrative judges' reports; complainants' representatives are provided copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and administrative judges' reports.''

* * * * *

STORAGE:

Delete entry and replace with ''Records are stored on paper and on electronic storage media.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Materials are kept in file cabinets within NAVOECMA's office or in a secured computer data base. Access to the office during business hours is controlled by NAVOECMA personnel and by identification card. The office is locked at the close of business; the building in which the office is located employs security guards.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Case files are destroyed four years after being closed.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director, Naval Office of EEO Complaints and Adjudication (NAVOECMA), 614 Sicard Street, SE, Suite 100, Washington Navy Yard, DC 20374–5072.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Naval Office of EEO Complaints and Adjudication (NAVOECMA), 614 Sicard Street, SE, Suite 100, Washington Navy Yard, DC 20374–5072.

The requester must provide full name, employing office, and sign the request.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Naval Office of EEO Complaints and Adjudication (NAVOECMA), 614 Sicard Street, SE, Suite 100, Washington Navy Yard, DC 20374–5072.

The requester must provide full name, employing office, and sign the request.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Information in the file is obtained from former and present civilian employees of the DON, applicants for employment with the DON, employing activities, EEOC, and NAVOECMA.''

* * * * *

NM12771–1

SYSTEM NAME:

Discrimination Complaints.

SYSTEM LOCATION:

Naval Office of EEO Complaints and Adjudication (NAVOECMA), 614 Sicard Street, SE., Suite 100, Washington Navy Yard, DC 20374–5072; field activities employing civilians and servicing Human Resources Offices (HROs). Official mailing addresses are published in the Standard Navy Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and present civilian employees of the Department of the Navy, and civilian applicants for employment with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; transcripts of hearings held; administrative judges' reports of findings and recommended actions; advisory memoranda from the Chief of Naval Operations, Chief of Naval Personnel, Department of Defense, Systems Commands; Secretary of the Navy decisions; reports of actions taken by local activities; comments by NAVOECMA or local activities on appeals made to the Equal Employment Opportunity Commission (EEOC); EEOC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained in a computer data base.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 3302, 7201–7204, 7301, 7701; 10 U.S.C. 5013, Secretary of the Navy; and 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

This information is used by NAVOECMA to adjudicate cases. Systems Commands, the Chief of Naval Operations, and the Office of Civilian Resources (OCHR) are internal users for informational/implementational purposes. Individual members acting on behalf of the individual involved are supplied with copies of decisions and other appropriate background material. EEO complainants are furnished Secretary of the Navy (SECNAV) decisions, with copies of the hearing transcripts and administrative judges' reports; complainants' representatives are provided copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and administrative judges' reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Equal Employment Opportunity Commission to adjudicate cases.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the report pertains. The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper and on electronic storage media.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Materials are kept in file cabinets within NAVOECMA's office or in a secured computer data base. Access to the office during business hours is controlled by NAVOECMA personnel and by identification card. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Case files are destroyed four years after being closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Office of EEO Complaints and Adjudication (NAVOECMA), 614 Sicard Street, SE., Suite 100, Washington Navy Yard, DC 20374–5072.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Naval Office of EEO Complaints and Adjudication (NAVOECMA), 614 Sicard Street, SE., Suite 100, Washington Navy Yard, DC 20374–5072.

The requester must provide full name, employing office, and sign the request.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries from former and present civilian employees of the DON, applicants for employment with the DON, employing activities, EEOC, and NAVOECMA.

The requester must provide full name, employing office, and sign the request.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the file is obtained from former and present civilian employees of the DON, applicants for employment with the DON, employing activities, EEOC, and NAVOECMA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–12 Filed 1–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement; Overview Information; Teaching American History Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215X.

Dates:

Applications Available: January 8, 2007.

Deadline for Notice of Intent to Apply: February 7, 2007.

Pre-Application Meeting: A pre-application meeting for prospective applicants will be held in January 2007 in Washington, DC. Further information on the date, time, and location will be made available through a notice published in the **Federal Register** and through the Teaching American History Web site at *http://www.ed.gov/programs/teachinghistory.*

Deadline for Transmittal of Applications: March 9, 2007.

Deadline for Intergovernmental Review: May 8, 2007.

Eligible Applicants: Local educational agencies (LEAs), including charter schools that are considered LEAs under State law and regulations, that must work in partnership with one or more of the following entities:

- An institution of higher education.
- A non-profit history or humanities organization.
- A library or museum.

Estimated Available Funds: The Administration has requested $50,000,000 for this program for FY 2007. The actual level of funding, if any, depends on final Congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Maximum Award: The following maximum award amounts are from the notice of final selection criteria and other application requirements for this program, published in the **Federal Register** on April 15, 2005 (70 FR 19939).

(1) Total funding for a three-year project period is a maximum of $500,000 for LEAs with enrollments of less than 20,000 students; $1,000,000 for LEAs with enrollments of 20,000–300,000 students; and $2,000,000 for LEAs with enrollments above 300,000 students. LEAs may form consortia and combine their enrollments in order to receive a grant reflective of their combined enrollment. For districts applying jointly as a consortium, the maximum award is based on the combined enrollment of the individual districts in the consortium. If more than one LEA wishes to form a consortium, they must follow the procedures for group applications described in 34 CFR 75.127 through 34 CFR 75.129 of the Education Department General Administrative Regulations.

(2) A maximum of one grant will be awarded per applicant per competition.

Estimated Number of Awards: 120–135.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Teaching American History grants support projects to raise student achievement by improving teachers' knowledge, understanding, and appreciation of traditional American history. Grant awards assist LEAs, in partnership with entities that have extensive content expertise, to develop, document, evaluate, and disseminate innovative, cohesive models of professional development. By helping teachers to develop a deeper understanding and appreciation of traditional American history as a separate subject within the core curriculum, these programs improve instruction and raise student achievement.

Priorities: This competition includes one absolute priority and two competitive preference priorities that are explained in the following paragraphs.

Absolute Priority: This priority is from the statute for this program (20 U.S.C. 6721(b)). Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Partnerships with Other Agencies or Institutions. Each applicant LEA must propose to work in collaboration with one or more of the following:

- An institution of higher education.
- A non-profit history or humanities organization.
- A library or museum.

Competitive Preference Priorities: These priorities are from the notice of final priorities for discretionary grant programs published in the **Federal Register** on October 11, 2006 (71 FR 60046). Under 34 CFR 75.105(c)(2)(i), we award up to an additional 25 points

to an application, depending on how well the application meets these priorities. These points are in addition to any points the application earns under the selection criteria.

These priorities are:

Priority 1—School Districts with Schools in Need of Improvement, Corrective Action, or Restructuring (up to 15 additional points). Projects that help school districts implement academic and structural interventions in schools that have been identified for improvement, corrective action, or restructuring under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

Note: In response to this priority, applicants are encouraged to describe how they will assess the district's or consortium of districts' needs and focus on recruiting U.S. history teachers from schools identified as in need of improvement, corrective action, or restructuring within the district or consortium of districts.

Priority 2—Student Achievement Data (up to 10 additional points). Projects that collect pre- and post-intervention test data to assess the effects of the projects on the academic achievement of student participants relative to appropriate comparison or control groups.

Note: In response to this priority, applicants are encouraged to submit a plan describing how they propose to collect test data on students of teachers trained in the Teaching American History program and compare those data to test data from students of teachers who are not trained in the Teaching American History program.

Program Authority: 20 U.S.C. 6721.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The notice of final selection criteria and other application requirements for this program published in the **Federal Register** on April 15, 2005 (70 FR 19939). (c) The notice of final priorities for discretionary grant programs published in the **Federal Register** on October 11, 2006 (71 FR 60046).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $50,000,000 for this program for FY 2007. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Maximum Award: The following maximum award amounts are from the notice of final selection criteria and other application requirements for this program published in the **Federal Register** on April 15, 2005 (70 FR 19939).

(1) Total funding for a three-year project period is a maximum of $500,000 for LEAs with enrollments of less than 20,000 students; $1,000,000 for LEAs with enrollments of 20,000–300,000 students; and $2,000,000 for LEAs with enrollments above 300,000 students. LEAs may form consortia and combine their enrollments in order to receive a grant reflective of their combined enrollment. For districts applying jointly as a consortium, the maximum award is based on the combined enrollment of the individual districts in the consortium. If more than one LEA wishes to form a consortium, they must follow the procedures for group applications described in 34 CFR 75.127 through 34 CFR 75.129 of the Education Department General Administrative Regulations.

(2) A maximum of one grant will be awarded per applicant per competition.

Estimated Number of Awards: 120–135.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* LEAs, including charter schools that are considered LEAs under State law and regulations, that must work in partnership with one or more of the following entities:

- An institution of higher education.
- A non-profit history or humanities organization.
- A library or museum.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

IV. Application and Submission Information

Address to Request Application Package: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.215X.

You may also obtain the application package for this program via the Internet at the following address: *http://www.ed.gov/programs/teachinghistory/applicant.html.*

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting one of the program contact persons listed in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package and instructions for this program.

Notice of Intent to Apply: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of LEAs that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department with a short e-mail indicating the applicant's intent to submit an application for funding. The e-mail need not include information regarding the content of the proposed application, only the applicant's intent to submit it. This e-mail notification should be sent to Alex Stein at: *TeachingAmericanHistory@ed.gov.* Applicants who do not provide this e-mail notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants are strongly encouraged to limit the application narrative to the equivalent of no more than 25 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font not less than 12-point font.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, or letters of support. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that—

• Exceed the page limit if you apply these standards; or

• Exceed the equivalent of the page limit if you apply other standards.

3. *Submission Dates and Times:*

Applications Available: January 8, 2007.

Deadline for Notice of Intent to Apply: February 7, 2007.

Pre-Application Meeting: A pre-application meeting for prospective applicants will be held in January 2007 in Washington, DC. Further information on the date, time, and location will be made available through a notice published in the **Federal Register** and through the Teaching American History Web site at *http://www.ed.gov/programs/teachinghistory.*

Deadline for Transmittal of Applications: March 9, 2007.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Deadline for Intergovernmental Review: May 8, 2007.

4. Intergovernmental Review: This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements.* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Teaching American History Program—CFDA Number 84.215X must be submitted electronically using the Governmentwide Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for Teaching American History Grant Program at *http://www.Grants.gov.* You must search for the downloadable application package for this program or competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.215, not 84.215X).

Please note the following:

• When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the *Grants.gov* system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the *Grants.gov* system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from *Grants.gov,* we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* at *http://e-grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via *Grants.gov,* you must complete all steps in the *Grants.gov* registration process (see *http://www.grants.gov/applicants/get_registered.jsp*).

These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the *Grants.gov* 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf.* You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via *Grants.gov.* In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education

Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

• You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. (This notification indicates receipt by *Grants.gov* only, not receipt by the Department.) The Department then will retrieve your application from *Grants.gov* and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov,* please contact the *Grants.gov* Support Desk at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Alex Stein, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W206, Washington, DC 20202–5960. FAX: (202) 401–8466.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address: *By mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.215X), 400 Maryland Avenue, SW., Washington, DC 20202–5960; or *By mail through a commercial carrier:* U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.215X), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.215X), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt

of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from the notice of final selection criteria and other application requirements published in the **Federal Register** on April 15, 2005 (70 FR 19939).

The Secretary uses the following selection criteria to evaluate applications under this program. The maximum score for all of these criteria is 100 points.

(1) *Project Quality* (50 points). The Secretary considers the quality of the proposed project by considering—

(a) The likelihood that the proposed project will develop, implement, and strengthen programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula.

(b) How specific traditional American history content will be covered by the grant (including the significant issues, episodes, and turning points in the history of the United States; how the words and deeds of individuals have determined the course of our Nation; and how the principles of freedom and democracy articulated in the founding documents of this Nation have shaped America's struggles and achievements and its social, political, and legal institutions and relations); the format in which the project will deliver the history content; and the quality of the staff and consultants responsible for delivering these content-based professional development activities, emphasizing, where relevant, their postsecondary teaching experience and scholarship in subject areas relevant to the teaching of traditional American history. The applicant may also attach curriculum vitae for individuals who will provide the content training to the teachers.

(c) How well the applicant describes a plan that meets the statutory requirement to carry out activities under the grant in partnership with one or more of the following:

(i) An institution of higher education.

(ii) A nonprofit history or humanities organization.

(iii) A library or museum.

(d) The applicant's rationale for selecting the partner(s) and its description of specific activities that the partner(s) will contribute to the grant during each year of the project. The applicant should include a memorandum of understanding or detailed letters of commitment from the partner(s) in an appendix to the application narrative.

Note: The Secretary encourages applicants to address this criterion by providing a detailed description of the actual history subject content of the professional development and teacher education activities to be carried out under this grant. The Secretary also encourages applicants to include a discussion of the research base for the professional development strategies and how this research can be used to assist the applicant in designing a project that ensures successful achievement of project objectives. Finally, the Secretary encourages applicants to describe their efforts to conduct a needs assessment of teachers' content needs and describe how that needs assessment is part of a comprehensive, long-term strategy to upgrade teacher quality throughout the school districts.

(2) *Significance* (20 points). The Secretary considers the significance of the proposed project. In determining the significance of the project, the Secretary considers—

(a) The extent to which the proposed project is likely to build local capacity to improve or expand the LEA's ability to provide American history teachers professional development in traditional American history subject content and content-related teaching strategies.

(b) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(c) How teachers will use the knowledge acquired from project activities to improve the quality of instruction. This description may include plans for reviewing how teachers' lesson planning and classroom teaching are affected by their participation in project activities.

Note: In meeting this criterion, the Secretary encourages the applicant to include a description of its commitment to build local capacity by primarily serving teachers in its LEA or consortium of LEAs. The Secretary also encourages the applicant to include background and statistical information to explain the project's significance. For example, the applicant could include information on: The extent to which teachers in the LEA are not certified in history or social studies; student achievement data in American history; and rates of student participation in courses such as Advanced Placement U.S. History.

(3) *Quality of the management plan* (15 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(a) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(b) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

Note: The Secretary encourages applicants to address this criterion by including in the narrative the roles of partners in each phase of the project. In addition, applicants are encouraged to consider how they might demonstrate (e.g., through narrative discussion, letters of support, or formal memoranda of understanding) the commitment of partners to the project and the partners' understanding of responsibilities they have agreed to assume in service delivery. Finally, applicants may include in this narrative a schedule of activities with sufficient time for developing an adequate implementation plan.

(4) *Quality of the project evaluation* (15 points). The Secretary considers the quality of the evaluation to be conducted on the proposed project. In determining the quality of the evaluation, the Secretary considers:

(a) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(b) How well the evaluation plans are aligned with the project design explained under the *Project Quality* criterion.

(c) Whether the evaluation includes benchmarks to monitor progress toward specific project objectives, and outcome measures to assess the impact on teaching and learning or other important outcomes for project participants.

(d) Whether the applicant identifies the individual and/or organization that has agreed to serve as evaluator for the project and includes a description of the qualifications of that evaluator.

(e) The extent to which the applicant indicates the following:

(i) What types of data will be collected.

(ii) When various types of data will be collected.

(iii) What methods will be used to collect data.

(iv) What data collection instruments will be developed.

(v) How the data will be analyzed.

(vi) When reports of results and outcomes will be available.

(vii) How the applicant will use the information collected through the

evaluation to monitor the progress of the funded project and to provide accountability information both about success at the initial site and about effective strategies for replication in other settings.

(viii) How the applicant will devote an appropriate level of resources to project evaluation.

Note: The Secretary encourages applicants to describe the project's capability to address the Teaching American History performance indicators (see section entitled ''Performance Measures''). Further, applicants are encouraged to describe how their evaluation plans will be designed to collect both output data (number of teacher participants, number of workshops held, etc.) and outcome data (improvements in teacher classroom practice, increases in student history achievement, etc.). Finally, applicants are encouraged to select an independent, objective evaluator who has experience in evaluating educational programs and who will play an active role in the design and development of the project.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant. Budgets should include funds for at least two project staff members to attend a two-day annual meeting of the Teaching American History Grant program in Washington, DC, each year of the project. Applicants also should include in their budgets' funds to cover the travel and lodging expenses for these training activities during each year of the project.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. For specific requirements on grantee reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* We have established two performance measures for the Teaching American History program. The measures are: (1) Students in experimental and quasi-experimental studies of educational effectiveness of Teaching American History projects will demonstrate higher achievement on course content measures and/or statewide U.S. history assessments than students in control and comparison groups, and (2) Teachers will demonstrate an increased understanding of American history through the use of nationally validated tests of American history that can be directly linked to their participation in the Teaching American History program.

VII. Agency Contact

For Further Information Contact: Alex Stein or Emily Fitzpatrick, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W206, Washington, DC 20202–6200. Telephone: Alex Stein (202) 205–9085 or Emily Fitzpatrick (202) 260–1498 or by e-mail: *TeachingAmericanHistory@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: January 3, 2007.

Morgan S. Brown,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. E7–33 Filed 1–5–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement; Overview Information; Transition to Teaching Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.350A, 84.350B, and 84.350.

Dates: Applications Available: January 8, 2007.

Deadline for Notice of Intent to Apply: February 7, 2007.

Pre-Application Meeting: A pre-application meeting for prospective applicants will be held in January 2007 in Washington, DC. Further information on the date, time, and location will be made available through a notice published in the **Federal Register** and through the Transition to Teaching Web site at *http://www.ed.gov/programs/transitionteach.*

Deadline for Transmittal of Applications: March 26, 2007.

Deadline for Intergovernmental Review: May 23, 2007.

Eligible Applicants: A State educational agency (SEA); a high-need local educational agency (LEA); a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in a partnership with a high-need LEA or an SEA; an institution of higher education (IHE) in a partnership with a high-need LEA or an SEA; a regional consortium of SEAs; or a consortium of high-need LEAs. For further information on whether an LEA qualifies as a ''high-need LEA,'' see section III. 1. *Eligible Applicants* in this notice.

Estimated Available Funds: The Administration has requested $44,484,000 for this program for FY 2007, of which we intend to use an estimated $19,000,000 for this competition. The actual level of funding, if any, depends on final Congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

The Department has established separate funding categories for projects of different scope. These categories are:

(1) National/regional projects (84.350C) that serve eligible high-need LEAs in more than one State;

(2) Statewide projects (84.350B) that serve eligible high-need LEAs statewide or eligible high-need LEAs in more than one area of a State; and

(3) Local projects (84.350A) that serve one eligible high-need LEA or two or more eligible high-need LEAs in a single area of a State.

Estimated Range of Awards: National/regional projects—$350,000–$750,000 per year; Statewide projects—$250,000–$650,000 per year; and Local projects—$150,000–$450,000 per year.

Estimated Average Size of Awards: National/regional projects—$600,000 per year; Statewide projects—$375,000 per year; and Local projects—$225,000 per year.

Estimated Number of Awards: National/regional projects—5; Statewide projects—20; and Local projects—40.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Transition to Teaching program encourages (1) the development and expansion of alternative routes to full State teacher certification, as well as (2) the recruitment and retention of highly qualified mid-career professionals, recent college graduates who have not majored in education, and highly qualified paraprofessionals as teachers in high-need schools operated by high-need LEAs, including charter schools that operate as high-need LEAs.

Priorities: The Department has established two competitive preference priorities that are explained in the following paragraphs. In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priority 1 is from section 2313(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 6683(c)). Competitive Preference Priority 2 is from the notice of final priorities and requirements for this program, published in the **Federal Register** on April 30, 2004 (69 FR 24002) (NFP).

Competitive Preference Priorities: For FY 2007, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional 5 points to an application that meets Competitive Preference Priority 1, and up to an additional 10 points to an application, depending on how well the application meets Competitive Preference Priority 2. These points are in addition to any points the application earns under the program's selection criteria.

The priorities are:

Competitive Preference Priority 1—Partnerships or Consortia that Include a High-need LEA or a High-need SEA. This priority supports projects that are designed and implemented in active partnerships or consortia that include at least one high-need LEA or high-need SEA.

Competitive Preference Priority 2—District Projects to Streamline Teacher Hiring Systems, Timelines, and Processes. This priority supports projects by one or more high-need LEAs to streamline their hiring systems, timelines, and processes. The project period is up to five years. A participating high-need LEA will need to conduct both of the following activities:

(a) *Examine its current hiring system, processes, and policies to identify the critical barriers to hiring highly qualified teachers.* The lack of highly qualified teachers in most urban and rural LEAs has often been attributed to their difficulty in recruiting interested and qualified individuals. However, recent research indicates that the problem may not be one of recruitment but may stem from inefficient and untimely LEA hiring systems and processes. This is especially true in high-poverty LEAs and schools—the very LEAs and schools the Transition to Teaching program is targeted to serve. Accordingly, each participating LEA will need to examine its current hiring processes and policies and, based upon that examination, identify the critical barriers to hiring highly qualified teachers.

(b) *Design and implement efforts to remove the identified barriers and put in place systems that streamline and revamp the hiring process.* In conducting this activity, LEAs are encouraged to create an efficient and timely applicant hiring process with a strong data tracking system and clear hiring goals. These efforts also should involve negotiating policy reforms that remove critical barriers, such as delayed notification of vacancies and seniority and retirement rules.

Participating LEAs also will carry out the requirements of the Transition to Teaching program by recruiting nontraditional candidates, using the streamlined hiring system to hire these individuals for teaching in high-need schools, working with them to achieve full State certification, and retaining them for at least three years.

Note: Applicants that choose to respond to Competitive Preference Priority 2 may do so however they choose. Those that respond to this priority may want to consider addressing such key factors as: (1) The existing barriers to early notification and hiring of new teachers; (2) the active engagement of LEA officials, teacher unions, and other stakeholders in developing a plan to remove existing barriers and implementing changes; (3) the actions each participating LEA intends to undertake to implement policies and systems for early notification and hiring of new teachers; and (4) a timeline for major action steps that each participating LEA intends to implement to develop the new hiring policies and systems.

Program Authority: 20 U.S.C. 6681–6684.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98 and 99. (b) The notice of final priorities and requirements for this program published in the **Federal Register** on April 30, 2004 (69 FR 24002) (NFP).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $44,484,000 for this program for FY 2007, of which we intend to use an estimated $19,000,000 for this competition. The actual level of funding, if any, depends on final Congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

The Department has established separate funding categories for projects of different scope. These categories are:

(1) National/regional projects (84.350C) that serve eligible high-need LEAs in more than one State;

(2) Statewide projects (84.350B) that serve eligible high-need LEAs statewide or eligible high-need LEAs in more than one area of a State; and

(3) Local projects (84.350A) that serve one eligible high-need LEA or two or more eligible high-need LEAs in a single area of a State.

Estimated Range of Awards: National/regional projects—$350,000–$750,000 per year; Statewide projects—$250,000–$650,000 per year; and Local projects—$150,000–$450,000 per year.

Estimated Average Size of Awards: National/regional projects—$600,000 per year; Statewide projects—$375,000 per year; and Local projects—$225,000 per year.

Estimated Number of Awards: National/regional projects—5; Statewide projects—20; and Local projects—40.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* An SEA; a high-need LEA; a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in a partnership with a high-need LEA or an SEA; an IHE in a partnership with a high-need LEA or an SEA; a regional consortium of SEAs; or a consortium of high-need LEAs. Each application must identify participating LEAs that meet the definition of ''high-need LEA'' in section 2102(3) of the ESEA.

Note: Section 2102(3) of the ESEA defines a high-need LEA as an LEA—

(a) That serves not fewer than 10,000 children from families with incomes below the poverty line (as that term is defined in section 9101(33) of the ESEA), or for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line; and

(b) For which there is (1) a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach, or (2) a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

The NFP describes how applicants must demonstrate that a participating LEA meets this statutory definition of ''high-need LEA.'' (69 FR 24002, 24006) Pursuant to the NFP, we provide the following supplementary information regarding the data an applicant uses to demonstrate eligibility as a ''high-need LEA'' under this competition:

As described in the NFP, absent a showing of alternative LEA data that reliably show the number of children from families with incomes below the poverty line that are served by the LEA, the eligibility of an LEA as a ''high-need LEA'' under component (a) of the definition must be determined on the basis of the most recent U.S. Census Bureau data. The most recent U.S. Census Bureau data can be found in the charts on the Internet at: *http://www.census.gov/hhes/www/saipe/downloads/sd04/.* The Department examines the eligibility of any LEA not listed on these charts on a case-by-case basis.

As discussed in the NFP, with respect to component (b)(1) of the definition of ''high-need LEA,'' whether an LEA has a ''high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach'' is determined on a case-by-case basis.

In addition, as noted in the NFP, with respect to component (b)(2) of the definition of ''high-need LEA,'' an LEA has a ''high percentage'' of teachers with emergency, provisional, or temporary certification or licensing if the percentage of teachers on waivers, as the LEA reported to the State for purposes of the State's latest report to the Secretary under section 207 of the Higher Education Act of 1965 (HEA), was at least the national average percentage of teachers on waivers of State certification for all LEAs. As outlined in the NFP, the Secretary determines the national average percentage of teachers on waivers based on data contained in the most currently available HEA section 207 State reports. At the time of publication of this notice, the Department has received all 2006 State HEA section 207 reports and those reports reflect a national percentage of teachers on waivers of State certification in all LEAs of 1.8 percent.

Because the Department is in the process of certifying all data received in the 2006 State HEA section 207 reports, the data in these reports, including the national average of teachers on waivers of State certification, are still provisional. However, to provide adequate time for the preparation and review of project applications and award of new grants before FY 2007 program funds lapse on September 30, 2007, the Department will use the 1.8 percent national average for purposes of this competition. Accordingly, an LEA will be considered to have met component (b)(2) of the definition if the data that it provided to the State for purposes of the State's October 2006 HEA section 207 report demonstrate that at least 1.8 percent of its teachers were on waivers of State certification requirements.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching but does involve supplement-not-supplant funding provisions. In accordance with section 2313(h)(2) of the ESEA, funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit teachers through alternative routes to certification.

3. *Other:* The NFP describes eligibility restrictions for individuals participating in this program.

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.350A, 84.350B, or 84.350C.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Additional information concerning application content requirements is in the NFP.

Notice of Intent to Apply: February 7, 2007. The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short e-mail message indicating the applicant's intent to submit an application for funding. The e-mail need not include information regarding the content of the proposed application, only the applicant's intent to submit it. The Secretary requests that this e-mail notification be sent to Thelma Leenhouts at: *transitiontoteaching@ed.gov.*

Applicants that fail to provide this e-mail notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants must limit Part III to the equivalent of no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, or letters of support. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that—

• Exceed the page limit if you apply these standards; or

• Exceed the equivalent of the page limit if you apply other standards.

3. *Submission Dates and Times:*

Applications Available: January 8, 2007.

Deadline for Notice of Intent to Apply: February 7, 2007.

Pre-Application Meeting: A pre-application meeting for prospective applicants will be held in January 2007 in Washington, DC. Further information on the date, time, and location will be made available through a notice published in the **Federal Register** and through the Transition to Teaching Web site at *http://www.ed.gov/programs/transitionteach*.

Deadline for Transmittal of Applications: March 26, 2007.

Applications for grants under this program competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Deadline for Intergovernmental Review: May 23, 2007.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice and in the NFP.

6. *Other Submission Requirements.* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Transition to Teaching Competition—CFDA Number 84.350A, 84.350B, and 84.350C must be submitted electronically using the Governmentwide Grants.gov Apply site at *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for Transition to Teaching at *http://www.Grants.gov*. You must search for the downloadable application package for this program or competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.350, not 84.350A).

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.

• To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-

Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

• You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Thelma Leenhouts, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W302, Washington, DC 20202–5960. FAX: (202) 401–8466.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Numbers: 84.350A, 84.350B, or 84.350C), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Numbers: 84.350A, 84.350B, or 84.350C), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Numbers: 84.350A, 84.350B, or 84.350C), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from the statute for this program and § 75.210 of EDGAR and are listed in this section. The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. In addressing each criterion, applicants are encouraged to make explicit connections to relevant aspects of responses to other selection criteria.

The *Notes* we have included after each criterion are guidance to assist applicants in understanding the criterion as they prepare their applications and are not required by statute or regulation.

A. *Significance of the Project* (20 points). The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The significance of the problem or issue to be addressed by the proposed project.

(2) The likelihood that the proposed project will result in system change or improvement.

(3) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(4) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

Note: The Secretary encourages applicants to address this criterion by identifying specific gaps and weaknesses in the services and infrastructure currently in place for the recruitment, selection, preparation, placement, and retention of teachers and by stating how the proposed project will address these gaps and weaknesses. The Secretary encourages applicants to identify (1) current barriers that the high-need LEAs to be served by the project face in meeting their teacher recruitment needs, including, if relevant, barriers caused by existing State certification or licensure requirements, (2) why these barriers exist, and (3) how the project would significantly help those LEAs overcome these barriers.

Applicants are also encouraged to address this criterion by connecting the project design to the needs of the partner districts and identifying the specific teacher-shortage areas faced by the participating high-need LEAs on which their proposed projects would focus. These may include such high-need subject areas as mathematics, science, special education, and English as a second language, and particular grade levels, including middle and high schools. Applicants should understand that a project's strategy for helping participating high-need LEAs to identify and hire highly qualified individuals to fill teaching positions in high-need subjects may rely on existing alternative routes to certification, the expansion of alternative routes to certification into new areas, or the creation of wholly new alternative routes.

B. *Quality of the Project Design* (30 points). The Secretary considers the quality of the project design for the proposed project by considering how well the applicant describes a plan—

(1) To develop a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals) and recent graduates of an IHE as teachers in high-need schools operated by high-need LEAs; and

(2) To enable individuals to become eligible for teacher certification under State-approved alternative routes to certification programs within a reduced period of time, relying on such factors as experience, expertise, and academic qualifications in lieu of traditional course-work in education.

In considering the quality of the project design and the applicant's plan, the Secretary considers the following factors:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(b) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(c) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(d) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

Note: The Secretary encourages applicants to address this criterion by discussing the overall project model and its key components, and the degree to which the model's key components are based on sound research and practice, as well as the extent to which the proposed services address the identified needs of the participating high-need LEAs. Applicants may want to address such key components of project design as:

(1) Recruitment and selection, including identifying the target group(s) on which the program will focus and why and how the program is designed to rigorously select participants with the requisite content knowledge, skills, and commitment to teach in high-need LEAs and schools.

(2) Training and preparation, including how the project provides a route to certification that is accelerated, integrates coursework and field experience, and is adapted to participants' learning needs.

(3) Support services, including mentoring, that are designed to retain participants and meet their needs in terms of length, content, and means of delivery in order to be successful in high-needs schools and LEAs.

(4) Teacher placement, including evidence that the proposed project will meet the needs of high-need LEAs and is developed in coordination with appropriate partners, and that the project includes a system of tracking to meet statutory requirements.

(5) Certification, including consideration of how the timeline for achieving certification will meet the needs of participants, LEAs, and partners, as well as the ''Highly Qualified Teacher'' requirements established in section 9101(23) of the ESEA.

In addition, applicants are encouraged to clarify the means by which the project's specified outcomes and benefits may be sustained once Federal funding has ended.

C. *Quality of Project Services* (20 points). In determining the quality of the services to be provided by the proposed project, the Secretary considers the following factors:

(1) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(2) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(3) The extent to which the training or professional development services to be provided by the proposed project are likely to alleviate the personnel shortages that have been identified or are the focus of the proposed project.

(4) The extent to which the services to be provided by the proposed project

involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

Note: The Secretary encourages applicants to address this criterion by discussing how the proposed project services will meet the needs both of the high-need LEAs identified in the application and of the program participants they would recruit to become teachers. Applicants are encouraged to consult the list of authorized activities in section 2313(g) of the ESEA in describing the specific services to be delivered to recruit, prepare, and retain participants that will increase the number of highly qualified teachers in high-need schools in high-need LEAs. In addition, the Secretary encourages applicants to consider carefully the breadth of activities that section 2313(g) of the ESEA authorizes and then to address how the project will:

(1) Provide training that meets the learning needs of the participants and makes use of appropriate media (such as face-to-face instruction, Web-based instruction, and distance learning) to provide them with the skills needed to be highly qualified and effective teachers in the identified high-need subject areas and high-need schools and LEAs.

(2) Support project participants' success in high-need schools and LEAs, during the period of their service obligation, through individual mentoring, support of participants as a group, use of technology, or other appropriate means.

(3) Encourage the participation of all project partners, including school leaders, in providing services related to the recruitment, preparation, and retention of project participants and ensuring lasting benefits or outcomes. Applicants are encouraged to clarify the roles of partners in each phase of the project and the extent of coordination that will occur with similar efforts at the State and district levels. In addition, applicants are encouraged to consider how they might demonstrate (e.g., through narrative discussion, letters of support, or formal memoranda of understanding) the commitment of partners to the project, and the partners' understanding of responsibilities they have agreed to assume in service delivery.

D. *Quality of the Management Plan* (15 points). In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

Note: Section 75.112 of EDGAR requires an applicant for a multi-year grant to include a narrative that describes how and when, in each budget period of the project, the applicant plans to meet each project objective. The Secretary encourages applicants to address this criterion by including in this narrative a clear, well thought-out implementation plan that includes annual timelines, key project milestones, and a schedule of activities with sufficient time for developing an adequate implementation plan, as well as timelines for providing program participants the support they need in their initial years as teachers.

E. *Quality of the Project Evaluation* (15 points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation to be conducted, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Note: The Secretary encourages applicants to address this criterion by including benchmarks to monitor progress toward specific and measurable project objectives, as well as outcome measures to assess the impact on teaching and learning or other important outcomes for project participants. (The specific performance measures established for the overall Transition to Teaching program are discussed under *Performance Measures* in section VI of this notice. Section 2314 of the ESEA also requires grantees to submit both an interim evaluation of the first three years of the grant and a final evaluation at the end of the grant.)

The Secretary also encourages applicants to identify the individual or organization that has agreed to serve as evaluator for the project and describe the qualifications of that evaluator. Finally, with respect to the implementation of the program and monitoring progress toward achieving project objectives, applicants are encouraged to describe the following: (1) What types of data will be collected; (2) when various types of data will be collected; (3) what methods will be used; (4) what instruments will be developed and when; (5) how the data will be analyzed; (6) when reports of results and outcomes will be available; and (7) how the applicant will use the information collected through the evaluation to monitor progress and improve implementation of the funded project and to provide accountability information about project success. Applicants are encouraged to design an evaluation that provides data for annual as well as midpoint and final reporting. Applicants are encouraged to devote an appropriate level of resources to project evaluation.

2. *Review and Selection Process:* Additional information concerning our review and selection of grant applications in this competition are contained in the NFP.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* The Secretary requires successful applicants to submit annual performance reports and, after the last year of the project, a final report. The annual performance report documents the grantee's yearly progress toward meeting expected programmatic and project specific outcomes. These outcomes must be based on measurable performance objectives including, but not limited to, the performance measures described in paragraph 4 of this section. These reports must evaluate—

(1) The grantee's progress in meeting the application's objectives;

(2) The project's effectiveness in meeting the purposes of the Transition to Teaching program; and

(3) The project's effect on the specific LEAs the project serves.

Among other things, the Department uses the annual performance reports to determine whether a grantee has demonstrated substantial progress in meeting the goals and objectives (as described in its approved application), and thereby merits a continuation award (for years 2–5). See § 75.118 of EDGAR.

Grantees also will be required to submit a final performance report, due no later than 90 days after the end of the project period.

In addition, section 2314 of the ESEA requires grantees to submit to the Department and to the Congress interim and final evaluations at the end of the third and fifth years of the grant period, respectively. These evaluations must

describe the extent to which high-need LEAs that received funds through the grant have met their goals relating to teacher recruitment and retention as described in the project application. Additional requirements pertaining to these reports are in the NFP.

For specific requirements on grantee reporting, please go to *http://www/ed/gov/fund/grant/apply/appforms.html*.

4. *Performance Measures:* The Secretary has established one performance indicator for assessing the effectiveness of the Transition to Teaching program: the percentage of new, highly qualified Transition to Teaching teachers who teach in high-need schools in high-need LEAs for at least three years. We will track this indicator through the use of the following three performance measures. We will gather the data for these measures from the grantees.

Measure One: The percentage of all Transition to Teaching participants who become teachers of record in high-need schools in high-need LEAs. For this measure we will collect data on the number of participants and the number of teachers of record in high-need schools in high-need LEAs.

Measure Two: The percentage of Transition to Teaching participants receiving certification/licensure within three years. For this measure, we will collect data on the number of participants who become certified within three years.

Measure Three: The percentage of Transition to Teaching teachers of record who teach in high-need schools in high-need LEAs for at least three years. For this measure, we will collect data on the number of participants who become teachers of record who have been teaching in high-need schools in high-need LEAs for at least three years.

VII. Agency Contacts

For Further Information Contact: Thelma Leenhouts or Anthony Sepulveda Taber, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W320, Washington, DC 20202. Telephone: (202) 260–0223 (Thelma Leenhouts) or (202) 260–0464 (Anthony Sepulveda). By e-mail: *transitiontoteaching@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498 or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: January 3, 2007.

Morgan S. Brown,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. E7–34 Filed 1–5–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.031H]

Office of Postsecondary Education; Strengthening Institutions (SIP), American Indian Tribally Controlled Colleges and Universities (TCCU), Alaska Native and Native Hawaiian-Serving Institutions (ANNH) and Developing Hispanic-Serving Institutions (HSI) Programs Notice Inviting Applications for Designation as Eligible Institutions To Apply for New Awards Under Title III and Title V for Fiscal Year (FY) 2007

Purpose of Programs: Under the SIP, TCCU, and ANNH programs, (Title III, Part A programs) authorized under Part A of Title III of the Higher Education Act of 1965, as amended (HEA), institutions of higher education (IHEs or institutions) are eligible to apply for grants if they meet specific statutory and regulatory eligibility requirements. Similarly, IHEs are eligible to apply for grants under the HSI program, authorized under Title V of the HEA, if they meet specific statutory and regulatory requirements. In addition, an institution that is designated as an eligible institution under those programs may also receive a waiver of certain non-Federal cost-share requirements under the Federal Supplemental Educational Opportunity Grant (FSEOG), the Federal Work Study (FWS), the Student Support Services (SSS) and the Undergraduate International Studies and Foreign Language (UISFL) programs. The FSEOG, FWS, and SSS programs are authorized under Title IV of the HEA; the UISFL program is authorized under Title VI of the HEA.

Qualified institutions may receive these waivers even if they are not recipients of grant funds under the Title III, Part A programs or the HSI program.

Special Note: To qualify as an eligible institution under the Title III, Part A programs or the HSI program, your institution must satisfy several criteria, including one related to needy student enrollment and one related to average educational and general (E&G) expenditures for a particular base year. The most recent data available for E&G expenditures are for base year 2004–2005. In order to award FY 2007 grants in a timely manner, we will use the most recent data available. Therefore, we use E&G expenditure threshold data from the base year 2004–2005. In completing your eligibility application, please use E&G expenditure data from the base year 2004–2005.

If you are designated as an eligible institution and you do not receive a new Title III or Title V award in FY 2007, your eligibility for the non-Federal cost-share waiver under the FSEOG, the FWS, the SSS, and the UISFL programs is valid for five consecutive years. You will not need to reapply for eligibility until 2012, unless you wish to apply for a new Title III or Title V grant. All institutions (including those designated as TCCU and ANNH institutions) that are not designated as eligible institutions and are interested in applying for a FY 2007 new grant or requesting a waiver of the non-Federal cost share, must apply for eligibility designation in FY 2007.

Eligible Applicants: To qualify as an eligible institution under the Title III, Part A programs or the HSI program, an accredited institution must, among other requirements, have an enrollment of needy students, and its average E&G expenditures per full-time equivalent (FTE) undergraduate student must be low in comparison with the average E&G expenditures per FTE undergraduate student of institutions that offer similar instruction.

The complete eligibility requirements for the Title III, Part A programs are found in 34 CFR 607.2 through 607.5. These regulations may be accessed at the following Web site: *http://www.access.gpo.gov/nara/cfr/waisidx_02/34cfr607_02.html.*

The complete eligibility requirements for the HSI program are found in 34 CFR 606.2 through 34 CFR 606.5. These

regulations may be accessed at the following Web site: *http://www.access.gpo.gov/nara/cfr/waisidx_01/34cfr606_01.html*.

Enrollment of Needy Students: Under 34 CFR 606.3(a) and 607.3(a), an institution is considered to have an enrollment of needy students if (1) At least 50 percent of its degree students received financial assistance under one or more of the following programs: Federal Pell Grant, FSEOG, FWS, and Federal Perkins Loan programs; or (2) the percentage of its undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants exceeded the median percentage of undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants at comparable institutions that offered similar instruction.

To qualify under this latter criterion, an institution's Federal Pell Grant percentage for base year 2004–2005 must be more than the median for its category of comparable institutions provided in the table in this notice.

Educational and General Expenditures Per FTE Student: An institution should compare its 2004–2005 average E&G expenditures per FTE student to the average E&G expenditure per FTE student for its category of comparable institutions contained in the table in this notice. If the institution's average E&G expenditures for the 2004–2005 base year are less than the average for its category of comparable institutions, the institution meets this eligibility requirement.

An institution's average E&G expenditures are the total amount it expended during the base year for instruction, research, public service, academic support, student services, institutional support including library expenditures, operation and maintenance, scholarships and fellowships, and mandatory transfers.

The following table identifies the relevant median Federal Pell Grant percentages for the base year 2004–2005 and the relevant average E&G expenditures per FTE student for the base year 2004–2005 for the four categories of comparable institutions:

Type of institution	2004–2005 Median Pell Grant percentage	2004–2005 Average E&G expenditures per FTE student
2-year Public Institutions	25.6	$9,320
2-year Non-profit Private Institutions	39.7	20,782
4-year Public Institutions	25.8	23,553
4-year Non-profit Private Institutions	26.9	37,105

Waiver Information: IHEs that are unable to meet the needy student enrollment requirement or the average E&G expenditures requirement may apply to the Secretary for waivers of these requirements, as described in 34 CFR 606.3(b), 606.4(c) and (d), 607.3(b), and 607.4(c) and (d). Institutions requesting a waiver of the needy student enrollment requirement or the average E&G expenditures requirement must include in their application detailed information supporting the waiver request, as described in the instructions for completing the application.

The regulations governing the Secretary's authority to waive the needy student requirement, 34 CFR 606.3(b)(2) and (3) and 607.3(b)(2) and (3), refer to ''low-income'' students or families. The regulations define ''low-income'' as an amount that does not exceed 150 percent of the amount equal to the poverty level, as established by the U.S. Bureau of the Census, 34 CFR 606.3(c) and 607.3(c).

For the purposes of this waiver provision, the following table sets forth the low-income levels for the various sizes of families:

2004 ANNUAL LOW-INCOME LEVELS

Size of family unit	Family income for the 48 contiguous states, DC, and outlying jurisdictions	Family income for Alaska	Family income for Hawaii
1	$13,965	$17,445	$16,050
2	18,735	23,415	21,540
3	23,505	29,385	27,030
4	28,275	35,355	32,520
5	33,045	41,325	38,010
6	37,815	47,295	43,500
7	42,585	53,265	48,990
8	47,355	59,235	54,480

Note: The 2004 annual low-income levels are being used because those are the amounts that apply to the family income reported by students enrolled for the Fall 2004 semester. For family units with more than eight members, add the following amount for each additional family member: $4,770 for the contiguous 48 States, the District of Columbia and outlying jurisdictions; $5,970 for Alaska; and $5,490 for Hawaii.

The figures shown under family income represent amounts equal to 150 percent of the family income levels established by the U.S. Bureau of the Census for determining poverty status. The poverty guidelines were published by the U.S. Department of Health and Human Services in the **Federal Register** on February 13, 2004 (69 FR 7336).

The information about ''metropolitan statistical areas'' referenced in 34 CFR 606.3(b)(4) and 607.3(b)(4) may be obtained by requesting the Metropolitan Statistical Areas, 1999 publication, order number PB99–501538, from the National Technical Information Service, Document Sales, 5285 Port Royal Road, Springfield, Virginia 22161, telephone number 1–800–553–6847. There is a charge for this publication.

Applications Available: January 8, 2007.

Deadline for Transmittal of Applications: March 9, 2007 for an applicant institution that wishes to be designated as eligible to apply for a FY 2007 new grant under the Title III, Part A programs or the HSI program; and April 30, 2007 for an applicant institution that wishes to apply only for cost-sharing waivers under the FSEOG, FWS, SSS, or UISFL programs.

Electronic Submission of Applications:

Applications for designation of eligibility must be submitted electronically using the following Web site: *http://webprod.cbmiweb.com/Title3and5/index.html.* To enter the Web site, you must use your institution's unique 8-digit identifier, *i.e.*, your Office of Postsecondary Education Identification Number (OPE ID number). Your business office or student financial aid office should have the OPE ID Number. If they do not, contact the Department, using the e-mail addresses of the contact persons listed in this notice under *For Applications and Further Information Contact.*

You will find detailed instructions for completing the application form electronically under the ''eligibility 2007'' link at either of the following Web sites: *http://www.ed.gov/programs/iduestitle3a.index.html or http://www.ed.gov/hsi.*

If your institution is unable to meet the needy student enrollment requirement or the average E&G expenditure requirement and wishes to request a waiver of one or both of those requirements, you must complete your designation application form electronically and transmit your waiver request narrative document from the following Web site: *http://webprod.cbmiweb.com/Title3and5/index.html. Exception to Electronic Submission Requirement:* You may qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application electronically because—

- You do not have access to the Internet; or
- You do not have the capacity to upload documents to the Web site; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Dr. Maria Carrington, U.S. Department of Education, 1990 K Street, NW., room 6033, Washington, DC 20006–8513. Fax: (202) 502–7861.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier), your application to the Department. You must mail the application, on or before the application deadline date, to the Department at the following address:

By mail through the U.S. Postal Service or commercial carrier: Dr. Maria Carrington, U.S. Department of Education, 1990 K Street, NW., Room 6033, Washington, DC 20006–8513.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the application, on or before the application deadline date, to the Department at the following address: Dr. Maria Carrington, U.S. Department of Education, 1990 K Street, NW., Room 6033, Washington, DC 20006–8513.

Hand delivered applications will be accepted daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for the Title III, Part A programs in 34 CFR part 607, and for the HSI program in 34 CFR part 606.

For Applications And Further Information Contact: Imogene Byers, Kelley Harris, or Carnisia Proctor, Institutional Development and Undergraduate Education Service, U.S. Department of Education, 1990 K Street, NW., room 6033, Request for Eligibility Designation, Washington, DC 20202–8513.

You may contact these individuals at the following e-mail addresses or phone numbers:

Imogene.Byers@ed.gov—202–502–7672.

Kelley.Harris@ed.gov—202–219–7083.

Carnisia.Proctor@ed.gov—202–502–7606.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audio tape, or computer diskette) on request to the contact persons listed in this section.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the persons listed in this section.

Electronic Access to This Document:

You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF, you must have Adobe Acrobat Reader, which is available free

at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1057–1059d, 1101–1103g.

Dated: December 29, 2006.

James F. Manning,

Delegated the Authority of Assistant Secretary for Postsecondary Education.

[FR Doc. E6–22626 Filed 1–5–07; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

AGENCY: United States Election Assistance Commission.

ACTION: Notice of public meeting for EAC Board of Advisors.

DATE AND TIME: Monday, January 22, 2007, 9 a.m.–5 p.m. and Tuesday, January 23, 2007, 8:30 a.m.–3 p.m.

PLACE: Four Points Sheraton, 1201 K Street, NW., (12th & K Streets, NW.), Washington, DC 20005, (202) 289–7600.

PURPOSE: The U.S. Election Assistance Commission (EAC) Board of Advisors, as required by the Help America Vote Act of 2002 (HAVA), will meet and receive updates on EAC projects and activiteis and discuss other relevant matters pertaining to the administration of Federal elections. The Board will receive updates on the following subjects: EAC's voting system certification and laboratory accreditation program; activities of the Technical Guidelines Development Committee (TGDC) regarding the voluntary voting system guidelines; HAVA financial reporting schedules; EAC's audit process; EAC's Election Duty survey and EAC's Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) survey. The Board will also discuss other election administration and administrative matters.

This meeting will be open to the public.

PERSON TO CONTACT OUR INFORMATION: Bryan Whitener, Telephone: (202) 566–3100.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. 07–21 Filed 1–3–07; 4:23 am]

BILLING CODE 6820–KF–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC07–2A–000; FERC Form 2A]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

December 27, 2006.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due March 9, 2007.

ADDRESSES: Copies of sample filings of the proposed collection of information can be obtained from the Commission's Web site (*http://www.ferc.gov/docs-filings/elibrary.asp*) or from the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, ED–34, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filing, the original and 14 copies of such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and refer to Docket No. IC07–2A–000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing'', and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the eLibrary link. For user assistance, contact *FERCOlineSupport@ferc.gov* or toll-free at (866) 208–3676. or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC Form 2A ''Annual Report of Nonmajor Natural Gas Companies'' (OMB No. 1902–0030) is used by the Commission to carry out its responsibilities in implementing the statutory provisions of the Natural Gas Act (NGA) 15 U.S.C. 717. The FERC Form 2 is a financial and operating report for natural gas rate regulation for major pipeline owners. A ''nonmajor'' pipeline owner is one that has combined gas sales for resale and has gas transported or stored for a fee that exceeds 200,000 Dth but which is less than 50 million Dth, in each of the three previous calendar years. Under the Form 2–A, the Commission investigates, collects and records data, and prescribes rules and regulations concerning accounts, records and memoranda as necessary to administer the NGA. The Commission is empowered to prescribe a system of accounts for jurisdictional gas pipelines and after notice and opportunity for hearing, may determine the accounts in which particular outlays and receipts will be entered, charged or credited.

FERC staff uses the data in the continuous review of the financial condition of jurisdictional companies, in various rate proceedings and in the Commission's audit program.

The annual financial information filed with the Commission is a mandatory requirement submitted in a prescribed format which is filed electronically and on paper. The Commission implements these filing requirements in 18 CFR Parts 158, 201, 260.2 and 385.2011.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)x(2)x(3)
41	1	115	4,715

Estimated cost burden to respondents is $276,863. (4,715 hours/2080 hours per year times $122,137 per year average per employee = $ 276,863). The cost per respondent is $ 6,753) (rounded off).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities, which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22665 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC07–2–000; FERC Form 2]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

December 27, 2006.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3506(c) (2) (a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due March 9, 2007.

ADDRESSES: Copies of sample filings of the proposed collection of information can be obtained from the Commission's Web site (*http://www.ferc.gov/docs-filings/elibrary.asp*) or from the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, ED–34, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filing, the original and 14 copies of such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and refer to Docket No. IC07–2–000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing'', and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the eLibrary link. For user assistance, contact *FERCOlineSupport@ferc.gov* or toll-free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov*.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC Form 2 ''Annual Report for Major Natural Gas Companies'' (OMB No. 1902–0028) is used by the Commission to carry out its responsibilities in implementing the statutory provisions of the Natural Gas Act (NGA) 15 U.S.C. 717. The FERC Form 2 is a financial and operating report for natural gas rate regulation for major pipeline owners. ''Major'' is defined as companies having combined gas sold for resale and gas transported or stored for a fee that exceeds 50 million Dth in each of the three previous calendar years. Under the Form 2, the Commission investigates, collects and records data and prescribes rules and regulations concerning accounts, records and memoranda as necessary to administer the NGA. The Commission is empowered to prescribe a system of accounts for jurisdictional gas pipelines and after notice and opportunity for hearing, may determine the accounts in which particular outlays the receipts will be entered, charged or credited. Commission staff uses the data in the continuous review of the financial condition of jurisdictional companies, in various rate proceedings and in the Commission's audit program. FERC Form 2 data are also used to compute annual charges which are necessary to recover the Commission's annual costs. The annual charges are required by section 3401 of the Omnibus Budget Reconciliation Act of 1986.

The NGA mandates the collection of information needed by the Commission

to perform its regulatory responsibilities in the setting of just and reasonable rates. The Commission could be held in violation of the NGA if the information was not collected.

The annual financial information filed with the Commission is a mandatory requirement submitted in a prescribed format which is filed electronically. The Commission implements these filing requirements in 18 CFR Parts 158, 201, 260.1 and 385.2011.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
72	1	1,570	113,040

Estimated cost burden to respondents is $6,637,676. (113,040 hours/2080 hours per year times $122,137 per year average per employee = $ 6,637,676). The cost per respondent is $ 92,190 (rounded off).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities, which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22667 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF84–377–013]

Notice of Compliance Filing; Colstrip Energy Limited Partnership

December 29, 2006.

Take notice that on December 15, 2006, Colstrip Energy Limited Partnership (Colstrip) submitted a filing in compliance with the Commission's December 5, 2006 Order. Colstrip seeks an order stating that the condition in the December 5 Order has been satisfied and that recertification is granted.

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 January 11, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22689 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Discovery Producer Services LLC, Docket No. CP06–425–001; Discovery Gas Transmission LLC, Docket No. CP06–426–001]

Notice of Abbreviated Application To Amend Limited Jurisdiction Certificate of Public Convenicence and Necessity

December 28, 2006.

Take notice that on December 14, 2006, Discovery Producer Services LLC (DPS) and Discovery Gas Transmission LLC (Discovery) jointly filed an abbreviated application to amend the certificates of public convenience and necessity granted DPS and Discovery, authorizing DPS to provide Discovery the use of capacity on DPS' non-jurisdictional gathering facilities through a capacity lease, to effectuate firm and interruptible transportation of natural gas received from Texas Eastern Transmission, LP for delivery of DPS' Larose processing plant and for ultimate

delivery downstream into the interstate pipeline grid.

Discovery further states that copies of the filing have been mailed to each of its customers, interested state commissions and other interested persons.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before January 12, 2007. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22687 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–52–000; Downeast Pipeline, LLC, Docket Nos. CP07–53–000, CP07–54–000, CP07–55–000]

Downeast LNG, Inc.; Notice of Applications for Certificates of Public Convenience and Necessity and Section 3 Authorization

December 29, 2006.

Take notice that on December 22, 2006, Downeast LNG, Inc. (Downeast LNG), 748 U.S. Route 1, Robbinston, Maine 04671, filed an application in Docket No. CP07–52–000 pursuant to section 3(a) of the Natural Gas Act (NGA), and Parts 153 and 380 of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR Parts 153 and 380, for authorization to site, construct and operate a liquefied natural gas (LNG) receiving terminal and associated facilities to be located in Washington County, Maine as a place of entry for the importation of LNG.

Also take notice that on December 22, 2006, Downeast Pipeline, LLC (Downeast Pipeline), 748 U.S. Route 1, Robbinston, Maine 04671, filed pursuant to Section 7(c) of the NGA and the Commission's regulations; (1) an application in Docket No. CP07–53–000 for a certificate of public convenience and necessity; (i) authorizing Downeast Pipeline to construct, own and operate the Downeast Pipeline under Part 157, Subpart A of the Commission's regulations, (ii) approving the pro forma Tariff submitted as Exhibit P of the application, and (iii) approving the proposed initial rates for pipeline transportation services; (2) an application in Docket No. CP07–54–000, for a blanket certificate authorizing Downeast Pipeline to engage in certain self-implementing routine activities under Part 157, Subpart F, of the Commission's regulations; and (3) an application in Docket No. CP07–55–000, for a blanket certificate authorizing Downeast Pipeline to transport natural gas, on an open access and self-implementing basis, under Part 284, Subpart G of the Commission's regulations.

Any questions regarding these applications should be directed to Dean Girdis, Downeast LNG, Inc., 748 U.S. Route 1, Robbinston, ME 04671 or Lisa M. Tonery, King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036.

These filings are available for review at the Commission's Washington, DC offices or may be viewed on the Commission's Web site at *http://www.ferc.gov/* using the ''e-Library'' 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 Telephone: 202–502–6652; Toll-free: 1–866–208–3676; or for TTY, contact (202) 502–8659.

On January 25, 2006, the Commission Staff granted Downeast LNG's request to utilize the Pre-Filing process and assigned Docket No. PF06–13–000 to Staff activities involving the Downeast LNG import terminal project and Downeast Pipeline's proposed pipeline. Now, as of the filing of this application on December 22, 2006, the Pre-Filing Process for this project has ended. From this time forward, these proceedings will be conducted in Dockets No. CP07–52–000, CP07–52–000, CP07–54–000, and CP07–55–000 as noted in the caption of this Notice.

Downeast LNG is seeking authorization pursuant to Section 3(a) of the NGA to site, construct and operate: (1) An LNG receiving facility (including docking facilities and associated piping appurtenances); and (2) an LNG storage and vaporization facility (including two LNG storage tanks, each with a storage capacity of 160,000 cubic meters, vaporization units with an average capacity of 500,000 Mcf/d and peak capacity 625,000 Mcf/d, and associated piping and control equipment).

Downeast Pipeline proposes to construct about 31 miles of single 30-inch diameter pipeline. The proposed Pipeline will originate at the Import Terminal site boundary and terminate in the vicinity of the Maritimes and Northeast Pipeline at the existing Baileyville Compressor Station in Baileyville, Maine. The proposed Pipeline facilities will include pig launcher and receiver traps, mainline valves and interconnection and metering facilities, and will be designed for maximum allowable operating pressure of 1,580 psig and capacity of up to 625,000 Mcf/d, as more fully described in the filing.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9 and to ensure compliance with the Energy Policy Act of 2005, the Commission Staff will issue a Notice of Schedule for Environmental Review within 90 days of the date of this Notice. The Notice of Schedule for Environmental Review will indicate, among other milestones, the anticipated date for the Commission Staff's issuance of the final environmental impact statement (FEIS)

for the Downeast LNG's and Downeast Pipeline's proposals. The Notice of Schedule for Environmental Review will also alert other agencies of the requirement to complete necessary reviews and authorizations within 90 days of the date of issuance of the Commission Staff's FEIS.

There are two ways to become involved in the Commission's review of this Project. First, any person wishing to obtain legal status by becoming a party to the proceeding for this project should 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) by the comment date, below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene 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 this project and/or associated pipeline. 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 the project provide copies of their protests only to the party or parties directly involved in the protest.

Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 285.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-filing'' link. The Commission strongly encourages electronic filings.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project and associated pipeline. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed pipeline and balances that against the non-environmental benefits to be provided by the project.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Comment Date: January 22, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22691 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–81–029]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Negotiated Rates

December 28, 2006.

Take notice that on December 22, 2006, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1–A, Seventh Revised Sheet No. 4L, to be effective January 1, 2007.

KMIGT states that a copy of this filing has been served upon all parties to this proceeding, KMIGT's customers and affected state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22670 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–48–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Application

December 28, 2006.

Take notice that on December 20, 2006, Kinder Morgan Interstate Gas Transmission LLC (KMIGT), 370 Van Gordon Street, Lakewood, Colorado 80228–8304, filed in Docket No. CP07–48–000 an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon the Clay Center Compressor Station located in Clay County, Nebraska, by sale, to the Clay County Historical Society of Clay County, Nebraska, all as more fully set forth in the application.

Copies of this filing are on file with the Commission and are available for public inspection. This 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, 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 concerning this request may be directed to Skip George, Manager of Regulatory, Kinder Morgan Interstate Gas Transmission LLC, P.O. Box 281304, Lakewood, Colorado 80228–8304, or call (303) 914–4969.

Specifically, in 1956, KMIGT was authorized to install and operate, among other things, three 125-horsepower compressor units with auxiliary equipment at its Clay Center Compressor Station. The subject compressor units, a total of 375 installed horsepower, are the only units located at Clay Center. KMIGT states that the compression of natural gas at the Clay Center Compressor Station has not been utilized since August 1995. KMIGT states that the need for compression at the Clay Center has been supplanted with the natural gas KMIGT receives through an existing third-party interconnect with Trailblazer Pipeline Company located in Clay County. Therefore, KMIGT proposes to abandon the compressor station and to remove the station from natural gas service.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated 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 filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does 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 this project. 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 the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages filings of comments, protests and interventions electronically via the Internet in lieu of paper. See, 18 CFR385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Comment Date: January 26, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22672 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–117–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Reconciliation Filing

December 28, 2006.

Take notice that on December 22, 2006, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing its annual reconciliation filing pursuant to section 35 of its general terms and conditions of its FERC Gas Tariff, Fourth Revised Volume No. 1–B.

KMIGT has served copies of this filing upon all jurisdictional customers, interested state commissions, and other interested parties.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time January 4, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22685 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER06–733–003]

Midland Cogeneration Venture Limited Partnership; Notice of Filing

December 28, 2006.

Take notice that on December 21, 2006, Midland Cogeneration Venture Limited Partnership (Midland) filed a notice of non-material change in status related to the sale of its ownership interest. Midland submitted a revised page 2 of their notice correcting a transaction date on December 22, 2006.

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 online 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 January 11, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22676 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER07–369–000]

New York Independent System Operator, Inc.; Notice of Compliance Filing

December 28, 2006.

Take notice that on December 18, 2006, New York Independent System Operator, Inc. (NYISO) submitted a filing to revised its OATT in compliance with the Commission November 16, 2006 Order.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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 January 8, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22677 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–416–001]

Northwest Pipeline Corporation; Notice of Compliance Filing

December 28, 2006.

Take notice that on December 22, 2006, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to be effective January 1, 2007:

Substitute Thirty-First Revised Sheet No. 5
Substitute Sixth Revised Sheet No. 5–C
Substitute First Revised Sheet No. 5–D
Substitute Fourteenth Revised Sheet No. 6

Northwest states that copies of the filing were served on all parties on the official service list in the above-captioned proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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) 2083676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22684 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–118–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff and Filing of Non-Conforming Negotiated Rate Service Agreement

December 28, 2006.

Take notice that on December 22, 2006, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, to become effective January 22, 2007:

First Revised Sheet No. 399
Original Sheet No. 403

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6–22686 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–336–002]

Pine Needle LNG Company, LLC; Notice of Tariff Filing

December 28, 2006.

Take notice that on December 22, 2006, Pine Needle LNG Company, LLC (Pine Needle) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Eleventh Revised Sheet No. 4, to become effective November 1, 2006.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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.

Magalie R. Salas,
Secretary.

[FR Doc. E6–22683 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–49–002]

PPL Electric Corporation; Exelon Corporation; Notice of Filing

December 28, 2006.

Take notice that on December 11, 2006, PPL Electric Utilities Corporation and Exelon Corporation filed a Modified Offer of Settlement and Settlement Agreement in compliance to Paragraph B of the Commission's November 9, 2006 Order and on December 12, 2006, PPL Electric Utilities Corporation filed original signatures of Jesse Dillon and Joseph Dominquez to supplement the December 11, 2006 filing.

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 online 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 January 11, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22675 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application

December 28, 2006.

Southeast Supply Header, LLC Docket Nos. CP07–45–000
Southeast Supply Header, LLC Docket Nos. CP07–44–000
Southern Natural Gas Company
Southeast Supply Header, LLC Docket Nos. CP07–46–000
Southeast Supply Header, LLC Docket Nos. CP07–47–000

Take notice that on December 18, 2006 Southeast Supply Header, LLC (SESH) filed an application in Docket No. CP07–45–000, requesting a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act (NGA) and Subpart A of Part 157 of the Commission's regulations authorizing the Applicants to construct, own, operate, and maintain a new 269-mile natural gas pipeline system commencing in the area of the Perryville Hub near Delhi, Louisiana, continuing in a southeasterly direction through Mississippi and Alabama, and terminating near Coden, Alabama (SESH Project). In addition, SESH requests that the Commission issue to SESH: (i) A blanket certificate in Docket No. CP07–46–000 authorizing SESH to construct, operate, and abandon certain facilities under Part 157, Subpart F of the Commission's regulations; (ii) a blanket certificate in Docket No. CP07–47–000 authorizing SESH to transport natural gas, on an open access and self-implementing basis, under Part 284, Subpart G of the Commission's regulations; and (iii) authorizations necessary to charge initial recourse rates for certain services to be rendered by SESH.

Also take notice that on December 18, 2006, SESH and Southern Natural Gas Company (Southern Natural) filed with the Commission, in Docket No. CP07–44–000, for authorization under section 7 of the NGA and part 157, subpart A of the Commission's regulations to construct, own and operate certain jointly owned facilities which comprise a portion of the SESH Project (Joint Segment).

The application for SESH's and Southern Natural's proposals are more fully described as set forth in the applications that are on file with the Commission and open to public inspection. The instant filings may be also 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, call (866) 208–3676 or TTY, (202) 502–8659.

Any initial questions regarding these applications should be directed to Brian D. O'Neill, LeBoeuf, Lamb, Greene & MacRae LLP. Telephone: (202) 986–8000.

On May 30, 2006, the Commission staff granted SESH's request to utilize the Pre-Filing process and assigned Docket No. PF06–28–000 to staff activities involving the SESH Project. Now, as of the filing of this application on December 18, 2006, the Pre-Filing Process for this project has ended. From this time forward, these proceedings will be conducted in Dockets No. CP07–44–000, CP07–45–000, CP07–46 -000, and CP07–47–000 as noted in the caption of this Notice.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9 and to ensure compliance with the Energy Policy Act of 2005, the Commission staff will issue a Notice of Schedule for Environmental Review within 90 days of the date of this Notice. The Notice of Schedule for Environmental Review will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for SESH's and Southern Natural's proposal. The Notice will also alert other agencies of the requirement to complete necessary reviews and authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does 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 this project. 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 the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: January 18, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22671 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–50–000]

Southern Natural Gas Company; Notice of Request Under Blanket Authorization

December 28, 2006.

Take notice that on December 22, 2006, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP07–50–000, a prior notice request pursuant to sections 157.205 and 157.208(b) of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act, and Panhandle's blanket certificate issued in Docket No. CP82–406–000, to relocate and rearrange pipeline located on its 20-inch North Main Line (20-inch Line), 22-inch North Main Loop Line (22-inch Loop Line), and 24-inch 2nd North Main Line (24-inch Line), and to relocate its Fultondale No. 1 metering facility, all located in Jefferson County, Alabama, 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, (886) 208–3676 or TYY, (202) 502–8659.

Specifically, in order to accommodate the Alabama Department of Transportation's (ALDOT) Corridor ''X'' Project Nos. APD–471(503) and APD–471(501), Southern requests authorization to rearrange and relocate its 20-inch Line, 22-inch Loop Line, and 24-inch Line, and to relocate its Fultondale No. 1 metering facility. Southern proposes to combine its 20-inch Line and 22-inch Loop Line into a single 30-inch line starting at approximate Milepost 317.825 and extending to approximately Milepost 320.414. In addition, Southern's Fultdale No. 1 metering facility will be relocated from its present location near the U.S. Highway 31 pipeline crossing at approximate Milepost 319.3 on the 20-inch Line and 22-inch Loop Line, to a new location at milepost 319.762 connecting to the new 30-inch North Main Line and existing 24-inch Line. Also, Southern's 24-inch Line will have to be relocated from Milepost 195.481 to the proposed Corridor ''X'' and I–65 crossing at Milepost 196.881. The portions of the 20-inch Line and 22-inch Loop line that remain subsequent to combining them into the new 30-inch North Main Line will be abandoned in place or removed as field conditions require.

Any questions regarding the application should be directed to Patrick B. Pope, Vice President and General Counsel or Patricia S. Francis, Senior Counsel, Southern Natural Gas Company, Post Office Box 2563, Birmingham, Alabama 35202–2563 at (205) 7126 and (205) 325–7696, respectively.

Any person or the Commission's Staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22673 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–49–000]

Starks Gas Storage L.L.C.; Notice of Petition

December 27, 2006.

Take notice that on December 22, 2006, Starks Gas Storage L.L.C. (Starks), Bankers Hall-East Tower 1200, 855–2nd Street SW., Calgary, Alberta, Canada T2P 4Z5, filed with the Commission in Docket No. CP07–49–000 a petition for exemption from certificate requirements for temporary acts and operations and request for expedited action, pursuant to Section 7(c)(1)(b) of the Natural Gas Act (NGA), as amended, and Rule 207(a)(5) of the Commission's Rules of Practice and Procedure. Starks seeks approval of an exemption from the certificate requirements in order to perform temporary activities related to the development and construction of the certificated Starks Gas Storage project in Calcasieu and Beauregard Parishes, Louisiana, as more fully set forth in the petition which is open to the public for inspection. This filing may be also 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, please contact FERCOnline Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions regarding the petition should be directed to counsel for Starks, Douglas F. John, John & Hengerer, 1200 17th Street, NW., Suite 600, Washington, DC 20036, or via telephone at (202) 429–8800, facsimile number (202) 429–8805, or e-mail *djohn@jhenergy.com.*

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated 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 filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does 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 this project. 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 the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents 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 (*http://www.ferc.gov*) under the ''e-Filing'' link.

Comment Date: January 8, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22666 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP88–391–033; RP93–162–013]

Transcontinental Gas Pipe Line Corporation; Notice of Revised Annual Cash-Out Reports

December 28, 2006.

Take notice that on December 21, 2006, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing revised cash-out reports for the annual periods ended July 31, 2001, 2002, 2003, 2004 and 2005. As explained in the filing, Transco requests that the Commission issue an order that accepts and approves the revised cash-out reports and authorizes Transco to make the appropriate refunds and surcharges to each shipper, as necessary.

Transco states that copies of the filing are being mailed to parties on the official service list in Docket Nos. CP88–391 and RP93–162 and interested state commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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 January 5, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22674 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR07–6–000]

Worsham-Steed Gas Storage, L.P.; Notice of Petition for Rate Approval

December 28, 2006.

Take notice that on December 14, 2006, Worsham-Steed Gas Storage, L.P. (Worsham-Steed), an intrastate natural-gas storage company, filed a petition for rate approval of market-based rates for storage services pursuant to section 284.123 of the Commission's regulations. Worsham-Steed is requesting that the Commission approve market-based rates for its storage services, including storage-related hub services, pursuant to section 311 of the Natural Gas Policy Act of 1978. Worsham-Steed states that it does not have market power in any relevant product or geographic market for storage services and has submitted a market power study with its petition, which supports the conclusion that Worsham-Steed lacks market power.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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 January 19, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22682 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

December 27, 2006.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–39–000.
Applicants: The Goldman Sachs Group, Inc.
Description: The Goldman Sachs Group, Inc. submits an application for Blanket Authorization to Acquire Utility and/or Holding Company Securities.
Filed Date: 12/20/2006.
Accession Number: 20061227–0035.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Docket Numbers: EC07–40–000.
Applicants: T. Rowe Price Group, Inc.; T. Rowe Price Associates, Inc.; T. Rowe Price International, Inc.; T. Rowe Price Global Investment Services Limited; T. Rowe Price Global Asset Management Limited; T. Rowe Price (Canada), Inc.; T. Rowe Price Trust Company; T. Rowe Price (Luxembourg) Management S.àr.l.; T. Rowe Price Savings Bank.
Description: T Rowe Price Group, Inc. *et al* submit a request for blanket authorizations to acquire and dispose of securities under Section 203 of the Federal Power Act.
Filed Date: 12/20/2006.
Accession Number: 20061227–0034.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 10, 2007.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER00–1053–019.
Applicants: Maine Public Service Company.
Description: Maine Public Service Co. submits revised OATT pages and a Settlement Agreement regarding its Formula Rate and its 2006 Informational Filing.
Filed Date: 12/22/2006.
Accession Number: 20061226–0202.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.
Docket Numbers: ER01–205–017; ER98–2640–015; ER98–4590–013; ER99–1610–021.
Applicants: Xcel Energy Services Inc.; Northern States Power Company.
Description: Xcel Energy Services Inc. on behalf of Southwestern Public Service Company submits this change in status report relating to its market-based rate authority.
Filed Date: 12/21/2006.
Accession Number: 20061227–0036.
Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Docket Numbers: ER07–349–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc. submits Revised Sheets 131, 132 and 137 of Schedules 2 and 6 of its FERC Electric Tariff, Second Revised Volume 5.
Filed Date: 12/21/2006.
Accession Number: 20061226–0130.
Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.
Docket Numbers: ER07–350–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits revisions to the chart in Schedule 2 of the PJM Open Access Transmission Tariff.
Filed Date: 12/21/2006.
Accession Number: 20061226–0131.
Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Docket Numbers: ER07–351–000.
Applicants: Powerex Corp.
Description: Powerex Corp. submits a certificate of concurrence to the Hourly Coordination Agreement, filed by Washington Water Power Co.
Filed Date: 12/21/2006.
Accession Number: 20061227–0037.
Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.
Docket Numbers: ER07–352–000.
Applicants: S.D. Warren Company.
Description: S.D. Warren Co. submits an order accepting market-based rate Tariff, Original Volume 1, and granting waivers and blanket authority.
Filed Date: 12/22/2006.
Accession Number: 20061226–0200.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–353–000; ER07–354–000; ER07–355–000; ER07–355–000.
Applicants: Unitil Energy Systems, Inc.; Fitchburg Gas and Electric Light Company.
Description: Unitil Power Corp. and Fitchburg Gas and Electric Light Co. submits tariff sheets and Attachment A–D to the FERC Electric Tariff, Second Revised Volume 3.
Filed Date: 12/22/2006.
Accession Number: 20061226–0194.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–356–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits revisions to its Market Administration and Control Area Services Tariff.
Filed Date: 12/22/2006.
Accession Number: 20061226–0199.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–357–000.
Applicants: Fenton Power Partners I, LLC.
Description: Fenton Power Partners I, LLC submits for order accepting their FERC Electric Tariff, Original Volume No. 1.
Filed Date: 12/22/2006.
Accession Number: 20061226–0198.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–358–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits an executed service agreement for Firm Point-to-Point Transmission Service with Western Resources dba Westar Energy.
Filed Date: 12/22/2006.
Accession Number: 20061226–0197.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–359–000.
Applicants: Maine Public Service Company.
Description: Maine Public Service Co submits revisions to the MPS Open Access Transmission Tariff, pursuant to the Commissions 4/25/06.
Filed Date: 12/22/2006.
Accession Number: 20061226–0196.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–360–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc submits proposed revisions to Section 4.5(b) of Attachment H to its Market Administration and Control Area Services Tariff.
Filed Date: 12/22/2006.
Accession Number: 20061226–0195.
Comment Date: 5 p.m Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–361–000.
Applicants: AmerenEnergy Marketing Company.
Description: Ameren Energy Marketing Co, Central Illinois Public Service Co, Illinois Power Co and Union Electric Co submits an application under Section 205 of the Federal Power Act.
Filed Date: 12/22/2006.
Accession Number: 20061226–0201.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–363–000
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits First Revised

Sheet 19 *et al* for its Agreements w/ Arizona Public Service Co *et al* reflecting a proposal to freeze until at least January 1, 2010.

Filed Date: 12/26/2006.

Accession Number: 20061227–0011.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER07–364–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company submits an executed Operating Agreement dated 12/14/06 w/ Plumas-Sierra Rural Electric Cooperative *et al* and a notice of termination for FERC Rate Schedule 173.

Filed Date: 12/26/2006.

Accession Number: 20061227–0010.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER07–365–000.

Applicants: ISO New England Inc.; New England Power Pool.

Description: ISO New England Inc and the New England Power Pool Participants Committee submits proposed revisions to Market 1 relating to the Methodology for Calculating Installed Capacity Requirements.

Filed Date: 12/22/2006.

Accession Number: 20061227–0008.

Comment Date: 5 p.m. Eastern Time on Friday, January 17, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 and § 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie Salas,

Secretary.

[FR Doc. E6–22669 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 29, 2006.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER00–2268–020.

Applicants: Pinnacle West Capital Corporation.

Description: Pinnacle West Capital Corporation withdraws the default cost-based rate tariff designated as FERC Rate Schedule 2, Original Sheet 1–4.

Filed Date: 12/22/2006.

Accession Number: 20061227–0009.

Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER03–44–004.

Applicants: BOC Energy Services, Inc.

Description: BOC Energy Services, Inc. submits Second Revised Sheet No. 1 to Revised Rate Schedule FERC No. 1 to comply with Commission's Order 652.

Filed Date: 12/26/2006.

Accession Number: 20061228–0096.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER04–157–015; ER04–714–007.

Applicants: Western Massachusetts Electric Company.

Description: Bangor Hydro-Electric Company; Florida Power & Light Co., submit compliance filing of First Revised Sheet No. 709 and report on refund process effective 11/1/06.

Filed Date: 12/21/2006.

Accession Number: 20061227–0038.

Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Docket Numbers: ER04–208–003.

Applicants: Citigroup Energy Inc.

Description: Citigroup Energy, Inc. submits Triennial Updated Market Analysis pursuant to FERC's order issued 1/7/04.

Filed Date: 12/21/2006.

Accession Number: 20061227–0039.

Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Docket Numbers: ER06–864–004; ER06–1543–002; ER00–2885–012; ER01–2765–011; ER02–1582–010; ER02–1785–007; ER02–2102–011.

Applicants: Bear Energy LP; Brush Cogeneration Partners, Cedar Brakes I, L.L.C.; Cedar Brakes II, L.L.C.; Mohawk River Funding IV, L.L.C.; Thermo Cogeneration Partnership L.P.; Utility Contract Funding, L.L.C.

Description: Bear Energy LP et al notifies FERC that they entered into an Energy Management Agreement w/ MMC Energy North America, LLC et al in accordance with Order 652.

Filed Date: 12/26/2006.

Accession Number: 20061228–0021.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER06–1178–002; ER06–1179–002.

Applicants: SEMASS Partnership.

Description: SEMASS Partnership submits Revised Rate Schedule FERC No. 1 & Rate Schedule FERC No. 2 in compliance with Order 614.

Filed Date: 12/22/2006.

Accession Number: 20061227–0042.

Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

Docket Numbers: ER07–198–001.

Applicants: Highland Energy LLC.

Description: Highland Energy LLC submits Revised Original Sheet 1–2 to FERC Electric Tariff, Original Volume No.1, effective 12/8/06.

Filed Date: 12/21/2006.

Accession Number: 20061227–0041.

Comment Date: 5 p.m. Eastern Time on Thursday, January 11, 2007.

Docket Numbers: ER07–237–001.

Applicants: Monongahela Power Company.

Description: Monongahela Power Co. submits a Master Power Purchase & Sale Agreement with Allegheny Energy Supply Co., LLC in accordance with the requirements of Order 614.

Filed Date: 12/27/2006.

Accession Number: 20061228–0194.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER07–250–001.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc. submits errata to their 11/28/06 filing, effective 6/1/07.
Filed Date: 12/26/2006.
Accession Number: 20061227–0040.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER07–335–000.
Applicants: E.ON U.S. LLC.
Description: E.ON U.S., LLC on behalf of Louisville Gas and Electric Co. et al submits a revised unexecuted Service Agreement for Network Integration Transmission Service.
Filed Date: 12/07/2006.
Accession Number: 20061211–0153.
Comment Date: 5 p.m. Eastern Time on Monday, January 8, 2007.

Docket Numbers: ER07–337–000.
Applicants: Reliant Energy Services, Inc.
Description: Reliant Energy Services, Inc. submits market-based rate tariff designated as FERC Electric Tariff, Third Revised Volume No. 1 and requests waiver of the 60-day notice requirement.
Filed Date: 12/18/2006.
Accession Number: 20061227–0023.
Comment Date: 5 p.m. Eastern Time on Monday, January 08, 2007.

Docket Numbers: ER07–367–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits a Small Generator Interconnection Agreement and a Service Agreement for Wholesale Distribution Service with MM Tajiguas Energy, LLC.
Filed Date: 12/26/2006.
Accession Number: 20061227–0033.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER07–368–000.
Applicants: Orange & Rockland Utilities, Inc.
Description: Orange and Rockland, Inc. submits an amendment to its FERC Electric Tariff, Original Volume No. 3, to be effective 3/1/07.
Filed Date: 12/26/2006.
Accession Number: 20061227–0077.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER07–370–000.
Applicants: TexRep2 LLC.
Description: TexRep2, LLC submits its petition for acceptance of FERC Electric Tariff, Original Volume No. 1.
Filed Date: 12/26/2006.
Accession Number: 20061228–0055.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER07–371–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. and Calpine Oneta Power, L.P. submit revisions to its Open Access Transmission Tariff, in compliance with FERC's 9/26/06 Order.
Filed Date: 12/26/2006.
Accession Number: 20061228–0020.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 16, 2007.

Docket Numbers: ER07–372–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison submits a Small Generator Interconnection Agreement and Service Agreement for Wholesale Distribution Service with MM West Covina Two LLC.
Filed Date: 12/27/2006.
Accession Number: 20061228–0054.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER07–373–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co. submits a Small Generator Interconnection Agreement and a Service Agreement for Wholesale Distribution Service w/ MM West Covina One LLC under ER07–373.
Filed Date: 12/27/2006.
Accession Number: 20061228–0056.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER07–374–000.
Applicants: Buena Vista Energy, LLC.
Description: Buena Vista Energy, LLC submits its application for order accepting Market-Based Rate Tariff, Granting Authorizations and Blanket Authority.
Filed Date: 12/27/2006.
Accession Number: 20061228–0199.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER07–375–000.
Applicants: Niagara Mohawk Power Corporation.
Description: Niagara Mohawk Power Corp., submits the First. Revised Tri-Lakes Agreement designated as First Revised Service Agreement 340 under FERC Electric Tariff, Original Volume No. 1.
Filed Date: 12/27/2006.
Accession Number: 20061228–0195.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER07–376–000.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corp provides notice regarding the revised transmission Access Charges for five consecutive periods of 1/1/01–5/5/01 etc.
Filed Date: 12/27/2006.
Accession Number: 20061228–0197.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER07–377–000.
Applicants: TFS Capital LLC.
Description: TFS Capital, LLC submits their petition for acceptance of initial rate schedule.
Filed Date: 12/27/2006.
Accession Number: 20061228–0196.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER07–378–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, LLC submits revisions to the chart in Schedule 2 of the Open Access Transmission Tariff to incorporate revised revenue requirements for PPL University Park, LLC.
Filed Date: 12/27/2006.
Accession Number: 20061228–0198.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 17, 2007.

Docket Numbers: ER98–2603–004; ER98–2603–005.
Applicants: Southwood 2000, Inc.
Description: Southwood 2000, Inc requests that this letter constitutes an Amendment to the 7/27/05 filing.
Filed Date: 12/22/2006.
Accession Number: 20061228–0097.
Comment Date: 5 p.m. Eastern Time on Friday, January 12, 2007.

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.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22688 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–357–003]

Cheniere Creole Trail Pipeline, L.P.; Notice of Availability of the Environmental Assessment for the Proposed Creole Trail Segment 1 Amendment Project

December 27, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the construction and operation of natural gas pipeline facilities proposed by Cheniere Creole Trail Pipeline, L.P. (Creole Trail) and referred to as the Segment 1 Amendment Project or Project. The Segment 1 Project is an amendment to the Creole Trail LNG Terminal and Pipeline Project proposed in Docket Nos. CP05–357–000 and CP05–360–000 and approved in an order issued by the Commission on June 15, 2006 (Order).

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

This EA addresses the potential environmental effects of the construction and operation of the following facilities in Cameron Parish, Louisiana:

- Approximately 18.1 miles of a single, bi-directional, 42-inch-diameter pipeline extending from the end of the approved Cheniere Sabine Pass Pipeline, L.P. (SPP) pipeline in Johnson Bayou to the beginning of the approved Creole Trail pipeline system.
- Associated aboveground facilities, including a Metering and Regulation Facility, a launcher/receiver and mainline valve at Johnson Bayou; a mainline valve at milepost (MP) 8.0; and a mainline valve and launcher/receiver at the end of the pipeline at MP 18.1.

The purpose of the proposed facilities would be to provide access to new, competitively priced liquefied natural gas supplies in response to the growing demand for natural gas in southern Louisiana and throughout the United States. Specifically, the Segment 1 Amendment Project would provide increased access to downstream markets and additional sources of supply for shippers on the approved SPP and Creole Trail pipeline systems.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426. (202) 502–8371.

Copies of the EA have been mailed to federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas Branch 2, PJ11.2.
- Reference Docket No. CP05–357–003; and
- Mail your comments so that they will be received in Washington, DC on or before January 26, 2007.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. 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 and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on ''Sign-up.''

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet website (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202)502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Magalie R. Salas,

Secretary.

[FR Doc. E6–22668 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2219–020—Utah]

Garkane Energy; Notice of Availability of Draft Environmental Assessment

December 14, 2006.

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 the application for new license for the Boulder Creek Hydroelectric Project, located on Boulder Creek in Garfield County, Utah, and has prepared a Draft Environmental Assessment (DEA) for the project. The project occupies 29.59 acres of federal land, administered by the U.S. Forest Service as part of the Dixie National Forest.

The DEA contains the staff's analysis of the potential environmental impacts of the project and concludes that issuing a new license for the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the DEA 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 1–866–208–3676, or for TTY, (202) 502–8659.

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.

Any comments should be filed within 45 days from the date of this notice and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix Project No. 2219–020 to all comments. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22664 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2216–066]

Niagara Project; Notice of Availability of the Final Environmental Impact Statement for the Niagara Project

December 29, 2006.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR Part 380 [FERC Order No. 486, 52 FR 47897]), the Office of Energy Projects staff (staff) reviewed the application for a New Major License for the Niagara Project, and prepared a final environmental impact statement (FEIS) for the project which is located on the Niagara River in Niagara County, New York.

The FEIS contains staff's analysis of the applicant's proposal and the alternatives for relicensing the Niagara Project. The FEIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

A copy of the FEIS is available for review in the Commission's Public Reference Branch, Room 2A, located at 888 First Street, NE., Washington, DC 20426. The FEIS also may be viewed on the Commission's Web site at *http://www.ferc.gov* under 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.

You may also register online at *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.

For further information, contact Steve Kartalia at (202) 502–6131 or at *Stephen.Kartalia@ferc.gov.*

Magalie R. Salas,

Secretary.

[FR Doc. E6–22690 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 12606–000 and 2545–091]

Post Falls Hydroelectric Project; Spokane River Developments Project; Avista Corporation; Spokane, WA; Notice of Availability of the Draft Enivironmental Impact Statement for the Spokane River Developments and Post Falls Hydroelectric Projects

December 28, 2006.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR Part 380 [FERC Order No. 486, 52 FR 47897]) the Office of Energy Projects staff (staff) reviewed the applications for New Major Licenses for the Spokane River Hydroelectric Project and Post Falls Project. Staff prepared a draft environmental impact statement (DEIS) for the projects which are located on the Spokane River, Washington.

The DEIS contains staff's analysis of the potential environmental effects of the projects and concludes that licensing the projects, with staff's recommended measures, would not constitute a major Federal action significantly affecting the quality of the human environment. Copies of the DEIS have been sent to Federal, state, and local agencies; public interest groups; and individuals on the Commission's mailing list.

A copy of the DEIS is available for review at the Commission's Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number (P–2545) or (P–12606), to access the document. For assistance, contact FERC Online

Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–2376, or for TTY, contact (202) 502–8659.

Comments should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All comments must be filed by March 6, 2007, and should reference Project Nos. 2545–091 and 12606–000. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and instructions on the Commission's Web site at *http://www.ferc.gov* under the eLibrary link.

In addition to or in lieu of sending written comments, you are invited to attend a public meeting; time and location of the meeting to be announced in a separate notice. At the meeting, resource agency personnel and other interested persons will have the opportunity to provide oral and written comments and recommendations regarding the draft EIS. The meeting will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project.

For further information, please contact: John Blair at (202) 502–6092 or at *john.blair@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22678 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos.: P–2197–073 and P–2206–030]

Alcoa Power Generating, Inc.; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

December 28, 2006.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection.

a. *Type of Applications:* New Major Licenses.

b. *Project Nos.:* P–2197–073 and P–2206–030.

c. *Dates filed:* April 25, 2006 and April 26, 2006.

d. *Applicants:* Alcoa Power Generating, Inc. and Carolina Power and Light Company d/b/a/ Progress Energy Carolinas, Inc.

e. *Names of Projects:* Yadkin Hydroelectric Project and Yadkin-Pee Dee River Hydroelectric Project.

f. *Locations:* The Yadkin Project is located on the Yadkin River in Davidson, Davie, Montgomery, Rowan, and Stanly Counties, North Carolina. The Yadkin-Pee Dee River Project is located on the Yadkin and Pee Dee Rivers in Anson, Montgomery, Richmond, and Stanly Counties, North Carolina. There are no federal lands affected by these projects.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contacts:* Yadkin Project—Mr. Gene Ellis, Licensing and Property Manager, Alcoa Power Generating, Inc., Yadkin Division, P.O. Box 576, NC Highway 740, Badin, NC 28009–0576.

Yadkin-Pee Dee Project—E. Michael Williams, Senior Vice President Power Operations, Progress Energy, 410 S. Wilmington Street PEB 13, Raleigh, North Carolina 27602; Telephone (919) 546–6640.

i. *FERC Contacts:* Stephen Bowler at (202) 502–6861 or *stephen.bowler@ferc.gov,* or Lee Emery at (202) 502–8379 or *lee.emery@ferc.gov*.

j. *Deadline for filing motions to intervene and protests:* February 26, 2007.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. *The existing Yadkin Project consists of four developments on the Yadkin River:* High Rock, Tuckertown, Narrows, and Falls. The High Rock development is the furthest upstream development, located at river mile (RM) 253, and includes the following existing facilities: (1) A dam and spillway; (2) 10 flood gates; (3) a 14,400-acre reservoir, with a normal pool elevation of 623.9 feet U.S. Geological Survey (USGS) datum and a usable storage capacity of 217,400 acre-feet; and (4) a powerhouse, integral to the dam, containing three turbine-generator units with a total installed capacity of 32 megawatts (MW).

The Tuckertown development (RM 244.3) includes the following existing facilities: (1) Dam; (2) spillway with 11 gates; (3) a 2,560-acre reservoir, with a normal pool elevation of 564.7 feet USGS and a usable storage capacity of 6,700 acre-feet; and (4) a powerhouse, integral to the dam, containing three turbine-generator units with a total installed capacity of 38 MW.

The Narrows development (RM 236.5) includes the following existing facilities: (1) A dam and spillway; (2) 22 flood gates and a trash gate; (3) an intake structure with four openings each with two gates; (4) four penstocks; (5) a powerhouse downstream of the dam; (6) a bypass spillway with 10 control gates and a trash gate; (7) a 5,355-acre reservoir, with a normal pool elevation of 509.8 feet USGS and a usable storage capacity of 129,100 acre-feet; and (8) four turbine-generators with a total installed capacity of 108 MW.

The Falls development (RM 234) includes the following constructed facilities: (1) A dam; (2) a spillway with 12 flood gates and a trash gate; (3) a 204-acre reservoir, with a normal pool elevation of 332.8 feet USGS and a usable storage capacity of 940 acre-feet; and (4) a powerhouse, integral to the dam, and containing three turbine-generators with a total installed capacity of 31 MW.

Alcoa Generating operates the High Rock development in a store-and-release mode and the Tuckertown, Narrows, and Falls developments in a run-of-river mode on a daily basis. The High Rock development provides storage for the three downstream developments. The maximum annual drawdown for High Rock is 13 feet.

The existing Yadkin-Pee Dee Project consists of the Tillery development on the Yadkin and Pee Dee Rivers and the Blewett Falls development on the Pee Dee River. The Tillery development (RM 218) includes the following existing facilities: (1) A dam and spillway; (2) 18 flood gates; (3) a trash sluice gate; (4) a 5,697-acre reservoir, with a normal pool elevation of 277.3 feet North American Vertical Datum of 1988 (NAVD 88) and a usable storage capacity of 84,150 acre-feet; (5) a powerhouse, integral to the dam, containing four turbine-generators with a total installed capacity of 84 MW;

and (6) a small turbine powering a ''house generator'' with an installed capacity of 360 kW.

The Blewett Falls development (RM 188.2) includes the following existing facilities: (1) A dam and spillway; (2) wooden flashboards; (3) a 2,866-acre reservoir, with a normal pool elevation of 177.2 feet NAVD 88 and a usable storage capacity of 30,893 acre-feet; (4) a powerhouse, integral to the dam, containing six pairs of turbine-generators, each pair with its own penstock and headgate, for a total installed capacity of 24.6 MW; and (5) a 900-foot-long tailrace channel.

The Tillery development is operated as a peaking facility with a typical drawdown of not more than 4 feet under normal conditions. The Blewett Falls development is operated as a re-regulating facility, smoothing out flows released from the upstream developments.

Alcoa Generating and Progress Energy propose to continue operating the projects with proposed protection and enhancement measures.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22679 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Partial Transfer of License Amendment of License and Transmission Line License Soliciting Comments, Motions To Intervene, and Protests

December 28, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Partial transfer of license by removing project's transmission line and issuing for it a separate transmission line license.

b. *Project No:* 2816–037.

c. *Date Filed:* November 6, 2006.

d. *Applicants:* North Hartland LLC (North Hartland), and Central Vermont Public Service Corp. (Central Vermont).

e. *Name of Project:* North Hartland.

f. *Location:* The project is located at the existing U.S. Army Corps of Engineers' North Hartland Dam on the Ottauquechee River in Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791a–825r.

h. *Applicants Contact:* Richard A. Norman, North Hartland LLC, 55 Union Street, 4th Floor, Boston, MA 02018. Morris L. Silver Esq., The Kellog Farm, P.O. Box 606, Benson, VT 05731, Tel: (802) 537–2264. Elizabeth W. Little, Nixon Peabody, LLP, 401 9th Street, Suite 900, Washington, DC 20004, (202) 585–8338, and Gregory White, Central Vermont Public Service Corp., 77 Grove Street, Rutland, VT 05701.

i. *FERC Contact:* Any questions on this notice should be addressed to Vedula Sarma at (202) 502–6190 or *vedula.sarma@ferc.gov*.

j. *Deadline for filing comments and/or motions:* January 29, 2007.

k. *Description of Filing:* North Harland proposes to transfer a portion of its license containing approximately six miles of 12.5–kV transmission line mounted on top of Central Vermont's utility system at Pole #115 on Clay Hill Road to Central Vermont's Queechee Substation. Central Vermont seeks a transmission line license for the transmission line transferred to it from North Harland. North Hartland seeks to amend its license to remove the transferred transmission line.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number 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, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (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**'', ''**RECOMMENDATIONS FOR TERMS AND CONDITIONS**'', ''**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: Magalie R. Salas, 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 described application. A copy of the application may be obtained by agencies 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.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22680 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Surrender of Exemption and Soliciting Comments, Motions To Intervene, and Protests

December 28, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of Exemption.

b. *Project No.:* 4254–007.

c. *Date Filed:* May 31, 2006.

d. *Applicant:* Phillips, Paul T.

e. *Name of Project:* Exeter Hydro Project No. 1.

f. *Location:* The project is located on the Exeter River, in Rockingham County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791a–825r.

h. *Applicant Contact:* Mr. Stephen Phillips, 325 Main Street, Fremont, NH 03044, Phone: (603) 203–5344.

i. *FERC Contact:* Any questions on this notice should be addressed to Mrs. Anumzziatta Purchiaroni at (202) 502–6191, or e-mail address: *anumzziatta.purchiaroni@ferc.gov*.

j. *Deadline for filing comments and or motions:* January 29, 2007.

k. *Description of Request:* Mr. Stephen Phillips is requesting Commission's approval to surrender the 36 kW exemption. He states in the filing, that he inherited the project with the passing of his father, Paul Phillips (Exemptee). He has no intention to produce commercial power at the project. However, he plans to retain ownership of the dam.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. Information about this filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number 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, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*, for TTY, call (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'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''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: Magalie R. Salas, 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 described application. A copy of the application may be obtained by agencies 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.

Magalie R. Salas,

Secretary.

[FR Doc. E6–22681 Filed 1–5–07; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

December 27, 2006.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 7, 2007. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Allison E. Zaleski, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395–6466, or via fax at 202–395–5167 or via internet at *Allison_E._Zaleski@.omb.eop.gov* and to *Judith-B. Herman@fcc.gov*, Federal Communications Commission, Room 1–B441, 445 12th Street, SW., DC 20554 or an e-mail to *PRA@fcc.gov.* If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1048.

Title: Section 1.929(c)(1), Composite Interference Contour (CIC).

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 50 respondents; 50 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 100 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this information collection to OMB as a revision during this comment period to obtain the full three-year clearance from them. Under Section 1.929(c)(1) of the Commission's rules, any increase in the composite interference contour (CIC) of a site-based licensee in the Paging and Radiotelephone Service, Rural Radiotelephone Service, or 800 MHz Specialized Mobile Radio Service is considered a major modification of a license that requires prior Commission approval.

However, on February 22, 2005, the Commission released a *Report and Order* in WT Docket No. 03–130 (70 FR 19293), in which it amended section 1.929(c)(1), to specify that expansion of a composite interference contour of a site-based licensee in the Paging and Radiotelephone Service—as well as the Rural Radiotelephone Service and 800 MHz Specialized Mobile Radio Service—over water on a secondary, non-interference basis should be classified as a minor (rather than major) modification of a license. Such reclassification has eliminated the filing requirements associated with these license modifications, but requires site-based licensees to provide the geographic area licensee (on the same frequency) with the technical and engineering information necessary to evaluate the site-based licensee's operations over water. The need for this collection is to enable the geographic licensee to have technical and engineering information regarding a site-based licensee's operations over water in order to guard against unacceptable interference to its own operation(s).

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E6–22639 Filed 1–5–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

December 26, 2006.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 9, 2007. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Allison E. Zaleski, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395–6466, or via fax at 202–395–5167 or via internet at *Allison_E._Zaleski@omb.eop.gov* and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission, Room 1–B441, 445 12th Street, SW., Washington, DC 20554 or an e-mail to *PRA@fcc.gov*. If you would like to obtain or view a copy of this information collection after the 60-day comment period, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0800.

Title: FCC Application for Assignments of Authorization and Transfers of Control (Wireless Telecommunications Bureau and/or Public Safety and Homeland Security Bureau).

Form No.: FCC Form 603.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents: 32,551 respondents; 32,551 responses.

Estimated Time Per Response: 1.75 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation To Respond: Mandatory.

Total Annual Burden: 36,621 hours.

Total Annual Cost: $3,092,295.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: Respondents may request materials or

information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to OMB as a revision after this 60-day comment period to obtain the full three-year clearance from them.

The FCC Form 603 is being revised to incorporate the requirements of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures contained in WT Docket No. 05–211. The Commission is including designated entity status on Schedule A and to include the new Public Safety and Homeland Security Bureau in the title of the form.

The Commission has also increased the number of estimated respondents subject to this collection by 400 respondents.

The FCC Form 603 is a multi-purpose form used to apply for Commission approval of assignment or transfers of control of licenses in the wireless services. The data collected on this form is used by the FCC to determine whether the public interest would be served by approval of the requested assignment or transfer. This form is also used to notify the Commission of consummated assignments and transfers of wireless and/or public safety licenses that have previously been consented to by the Commission or for which notification but not prior consent is required. This form is used by applicants/licensees in the Public Mobile Services, Personal Communications Services, General Wireless Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Broadband Radio Services, Educational Radio Services, Fixed Microwave Services, Maritime Services (excluding ships), and Aviation Services (excluding aircraft).

OMB Control Number: 3060–1058.

Title: FCC Application or Notification for Spectrum Leasing Arrangement (Wireless Telecommunications Bureau and/or Public Safety and Homeland Security Bureau).

Form No.: FCC Form 608.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents: 1,593 respondents; 1,593 responses.

Estimated Time Per Response: 5 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits.

Total Annual Burden: 7,965 hours.

Total Annual Cost: $1,309,446.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to OMB as a revision after this 60-day comment period to obtain the full three-year clearance from them.

The FCC Form 608 is being revised to incorporate the requirements of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures contained in WT Docket No. 05–211. The Commission is including designated entity status on Schedule A and to include the new Public Safety and Homeland Security Bureau in the title of the form.

The Commission has also increased the number of estimated respondents subject to this collection by 100 respondents.

FCC Form 608 is a multi purpose form. It is used to provide notification or request approval for any spectrum leasing arrangement ('leases') entered into between an existing licensee ('licensee') in certain wireless services and a spectrum lessee ('lessee'). This form is also required to notify or request approval for any spectrum subleasing arrangement ('sublease'). The data collected on the form is used by FCC to determine whether the public interest would be served by the Lease or Sublease. The form is also used to provide notification for any Private Commons Arrangement entered into between a licensee, lessee, or sublessee and a class of third-party users (as defined in Section 1.9080 of the Commission's rules).

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E6–22640 Filed 1–5–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 24, 2007.

A. Federal Reserve Bank of Cleveland (Douglas A. Banks, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Jerry D. Greer, East Bernstadt, Kentucky, and Garth Rex Greer, London, Kentucky; to acquire shares of First National Financial Corporation, and indirectly gain control of First National Bank, both of Manchester, Kentucky.

2. Jerry D. Greer, East Bernstadt, Kentucky; to acquire shares of Cumberland Valley Financial Corporation, London, Kentucky, and thereby acquire shares of Cumberland Valley National Bank & Trust, East Bernstadt, Kentucky.

Board of Governors of the Federal Reserve System, January 3, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–26 Filed 1–5–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested

persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 2, 2007.

A. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Capitol Bancorp, Ltd., Lansing, Michigan and Capitol Development Bancorp Limited VI, Lansing, Michigan; to acquire 51 percent of the voting shares of Sunrise Community Bank (in organization), Palm Desert, California.

2. Millennium Bancorp, Inc. Morton Grove, Illinois; to become a bank holding company by acuiring 100 percent of the voting shares of Millennium Bank (in organization), Des Plaines, Illinois to be acquired.

B. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. Stifel Financial Corp. St. Louis Missouri; to become a bank holding company by acquiring 100 percent of First Service Financial Company, St. Louis, Missouri, and therby indirectly acquire FirstService Bank, Crestwood, Missouri.

C. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Columbian Financial Corporation, Overland Park, Kansas; to acquire 100 percent of the voting shares of The Bank, Weatherford, Texas.

2. Nodaway Valley Bancshares, Inc., Maryville, Missouri; to acquire 100 percent of the voting shares of Exchange Bank, Mound City, Missouri.

Board of Governors of the Federal Reserve System, January 3, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–25 Filed 1–5–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 2, 2007.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Community Banks, Inc., Harrisburg, Pennsylvania; to acquire BUCS Financial Corp., Owings Mills, Maryland, and thereby acquire BUCS Federal Bank, Owings Mills, Maryland, and engage in operating a savings and loan association, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, January 3, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–24 Filed 1–5–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[File No. 031 0021]

Advocate Health Partners, et al.; Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before January 30, 2007.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Advocate Health Partners, File No. 031 0021,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/ Office of the Secretary, Room 135–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).[1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not contain any nonpublic information may instead be filed in electronic form as part of or as an attachment to e-mail messages directed to the following e-mail box: *consentagreement@ftc.gov.*

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

FOR FURTHER INFORMATION CONTACT: Garth Huston (202) 326–3695, Bureau of Competition, Room NJ–7264, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for December 29, 2006), on the World Wide Web, at *http://www.ftc.gov/os/2006/12/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a proposed consent order with Advocate Health Partners (''AHP'') and other related parties. The agreement settles charges that the proposed respondents violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, by orchestrating, implementing, and participating in agreements among physician practices to fix prices and other terms on which they would deal with health plans and to refuse to deal with certain health plans except on collectively determined terms.

The proposed consent order has been placed on the public record for 30 days to receive comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make the proposed order final.

The purpose of this analysis is to facilitate public comment on the proposed order. The analysis is not intended to constitute an official interpretation of the agreement and proposed order, or to modify their terms in any way. Further, the proposed consent order has been entered into for settlement purposes only and does not constitute an admission by the proposed respondents that they violated the law or that the facts alleged in the complaint (other than jurisdictional facts) are true.

The Complaint

The allegations of the complaint are summarized below.

AHP is a ''super physician-hospital organization'' whose members consist of the non-profit Advocate Health Care Network (''AHCN'') hospital system and eight physician-hospital organizations organized at each of the AHCN hospital sites (the ''PHO Respondents''). Each PHO Respondent, in turn, consists of a hospital member (a non-profit subsidiary of AHCN) and a portion of physicians on staff at the hospital. Approximately 2,600 independently practicing physicians in the Chicago metropolitan area belong to the PHO Respondents. In addition, two AHCN for-profit subsidiaries named in the complaint (the ''Advocate System Respondents'') contract with health plans, often through AHP, to provide the services of approximately 300 physicians who are employed by or under contract to provide services exclusively to the Advocate System Respondents.

The complaint challenges conduct during the period 1995 to 2004, during which the respondents negotiated the prices and other terms at which their otherwise competing member physicians would provide services to the subscribers of health plans without any efficiency-enhancing integration of their practices sufficient to justify their conduct. Between 1995 and 2001, AHP staff negotiated contracts on behalf of each PHO Respondent, with each PHO Respondent retaining authority to approve offers and counteroffers. Ultimately, each PHO Respondent would approve a negotiated contract on behalf of its member physicians, who could then opt in or opt out of the negotiated contract. In 2001, the respondents centralized contract approval at the super-PHO level. AHP staff continued to negotiate contracts, but AHP (rather than each PHO Respondent) had the authority to approve offers and counteroffers and, ultimately, to approve negotiated contracts on behalf of the AHP physicians, who could then opt in or opt out of the negotiated contract. At various times, the Advocate System Respondents participated in these collective negotiations by utilizing AHP to negotiate on their behalf, jointly with AHP's independent physicians. Under both approaches, AHP acted as the collective bargaining agent for physician practices that would otherwise compete.

By 2002, AHP had served as the collective bargaining agent for member physicians in numerous contracts with health plans. Blue Cross Blue Shield of Illinois, however, was one of a few payors that had not contracted with AHP. Instead, Blue Cross contracted directly with the vast majority of AHP physicians. In early 2002, AHP began developing a strategy to force Blue Cross to replace those individual contracts with a group AHP contract, at higher rates than Blue Cross was paying AHP physicians under their individual contracts.

To carry out its strategy to increase the prices Blue Cross paid to AHP physicians, AHP requested that all of its physicians submit what it termed ''Agency Agreements,'' which authorized AHP to terminate the physicians'' existing individual contracts with Blue Cross, and to collectively negotiate new contract terms on their behalf. In seeking this authority, AHP reminded its physicians that ''[a] major part'' of the value AHP offers ''has been your access to the favorable rates negotiated by AHP for many of your fee-for-service managed care contracts.'' Moreover, AHP's President instructed AHP staff to warn physicians attempting to rescind their Agency Agreement that ''if they rescind there is no hope of getting increases going forward and it will impact everyone's ability to get increases from other payors as [other payors] won't be able to compete [with Blue Cross].'' AHP obtained signed Agency Agreements from approximately 1,700 physicians and, on October 1, 2002, terminated the physicians' individual contracts with Blue Cross, effective January 1, 2003.

AHP ultimately abandoned its plan to coerce Blue Cross to negotiate a group

contract on price terms set by AHP, but only after Blue Cross sued AHP for violating the antitrust laws and agreed to make certain payments to AHP as part of the settlement of that dispute. Although Blue Cross's payments to AHP were supposed to be used by AHP to ''encourage outcome-based reimbursement'' and to support efforts to implement electronic-claim-submission capabilities for all AHP physicians, in fact AHP distributed the money only to physicians that had collectively threatened not to deal with Blue Cross.

The complaint also discusses AHP's dealings with United Healthcare of Illinois, Inc. in 2001, as an example of AHP's collective bargaining on behalf of its member physicians. In order to establish a minimum acceptable rate for the United negotiations, AHP obtained input from each PHO Respondent's Board of Directors and established a single benchmark for the entire group that was higher than the minimum rate that some PHO Respondent's Boards were willing to accept. Ten days after United failed to agree to AHP's benchmark price for physician services, AHP terminated United's contracts not only with the AHP physicians, but also with the AHCN hospitals. After United attempted to enter into direct contracts with AHP physicians, AHP threatened that United would be unable to contract for AHCN hospital services unless United agreed to a group contract for AHP physician services. United ultimately agreed to a group contract containing fees for physician services that were 20 to 30 percent higher than United's direct contracts with individual physicians in the Chicago area.

As the complaint alleges, the respondents engaged in no efficiency-enhancing integration sufficient to justify the conduct challenged in the complaint. Accordingly, the complaint alleges that they violated Section 5 of the FTC Act.

The Proposed Consent Order

The proposed order is designed to remedy the illegal conduct charged in the complaint and prevent its recurrence. It is similar to recent consent orders that the Commission has issued to settle charges that physician groups engaged in unlawful agreements to raise fees they receive from health plans.

The proposed order's specific provisions are as follows:

Paragraph II.A. prohibits the respondents from entering into or facilitating any agreement between or among any physicians: (1) To negotiate with payors on any physician's behalf; (2) to deal, not to deal, or threaten not to deal with payors; (3) on what terms to deal with any payor; or (4) not to deal individually with any payor, or to deal with any payor only through an arrangement involving the respondents.

Other parts of Paragraph II. reinforce these general prohibitions. Paragraph II.B. prohibits the respondents from facilitating exchanges of information between physicians concerning whether, or on what terms, to contract with a payor. Paragraph II.C. bars attempts to engage in any action prohibited by Paragraph II.A. or II.B., and Paragraph II.D. proscribes the respondents from inducing anyone to engage in any action prohibited by Paragraphs II.A. through II.C.

As in other Commission orders addressing providers' collective bargaining with health-care purchasers, Paragraph II excludes certain kinds of agreements from its prohibitions. First, the respondents are not precluded from engaging in conduct that is reasonably necessary to form or participate in legitimate joint contracting arrangements among competing physicians in a ''qualified risk-sharing joint arrangement'' or a ''qualified clinically-integrated joint arrangement.'' The arrangement, however, must not, for three years, restrict the ability of, or facilitate the refusal of, physicians who participate in it to contract with payors outside of the arrangement.

As defined in the proposed order, a ''qualified risk-sharing joint arrangement'' possesses two key characteristics. First, all physician participants must share substantial financial risk through the arrangement, such that the arrangement creates incentives for the physician participants jointly to control costs and improve quality by managing the provision of services. Second, any agreement concerning reimbursement or other terms or conditions of dealing must be reasonably necessary to obtain significant efficiencies through the joint arrangement.

A ''qualified clinically-integrated joint arrangement,'' on the other hand, need not involve any sharing of financial risk. Instead, as defined in the proposed order, physician participants must participate in active and ongoing programs to evaluate and modify their clinical practice patterns in order to control costs and ensure the quality of services provided, and the arrangement must create a high degree of interdependence and cooperation among physicians. As with qualified risk-sharing arrangements, any agreement concerning price or other terms of dealing must be reasonably necessary to achieve the efficiency goals of the joint arrangement. Second, the respondents are not precluded by Paragraph II. from engaging in conduct that solely involves the Advocate System Respondents, which are subsidiaries of the AHCN hospital system, and other physicians employed by AHCN because they are all part of a single entity.

Finally, the order does not prohibit the respondents from engaging in conduct solely related to their participation in a program that AHP refers to as its ''Clinical Integration Program'' (the ''Program''). The complaint does not allege a violation of the FTC Act with respect to that conduct, and the Commission has made no determination with respect to its legality. The order, while not prohibiting conduct related to the Program, ensures that the illegal conduct charged in the complaint does not continue or recur. In addition, Paragraph VI.D. provides certain mechanisms designed to allow the Commission to monitor the further development, implementation, and results of the Program. The Commission retains the ability to challenge conduct related to the Program if it later determines that such a challenge is warranted and would be in the public interest.

Paragraph III., for three years, requires the respondents to notify the Commission before entering into any arrangement to act as a messenger, or as an agent on behalf of any physicians, with payors regarding contracts. Paragraph III. also sets out the information necessary to make the notification complete.

Paragraph IV., for three years, requires the respondents to notify the Commission before participating in contracting with health plans on behalf of a qualified risk-sharing joint arrangement or a qualified clinically-integrated joint arrangement. The contracting discussions that trigger the notice provision may be either among physicians or between AHP and health plans. Paragraph IV. also sets out the information necessary to satisfy the notification requirement.

Paragraph V. imposes certain notification obligations on AHP and requires the termination of contracts that were entered into illegally. Paragraphs V.A. and V.D. require AHP to distribute the complaint and order to (1) Physicians who have participated in AHP and the PHO Respondents in the past or who do so within the next three years; (2) to various past and future personnel of the respondents and AHCN

subsidiaries that offer physician services to payors; and (3) to payors with whom the respondents have dealt in the past or deal with in the next three years. Paragraph V.B. requires AHP, at any payor's request and without penalty, or, at the latest, within one year after the order is made final, to terminate its existing contracts for the provision of physician services to payors, other than those contracts covering the program which AHP refers to as its Clinical Integration Program. Paragraph V.B. also allows any such contract currently in effect to be extended, upon mutual consent of AHP and the contracted payor, to any date no later than one year from when the order became final. This extension allows both parties to negotiate a termination date that would equitably enable them to prepare for the impending contract termination. Paragraph V.C. requires AHP to distribute payor requests for contract termination to physicians who participate in the respondents. Paragraph V.E. requires AHP to notify the Commission of certain organizational changes to any respondent or other changes that may affect compliance with the order.

Paragraphs VI., VIII., and IX. impose various obligations on the respondents to report or provide access to information to the Commission to facilitate the monitoring of compliance with the order. Because Paragraphs V. and VI. impose on AHP, in the first instance, obligations to provide notice and reporting on behalf of all respondents, Paragraph VII. requires that any respondents for which AHP has not acted fulfill those obligations.

Finally, Paragraph X. provides that the order will expire in 20 years.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E7–27 Filed 1–5–07; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 061 0150]

General Dynamics Corporation; Analysis of Agreement Containing Consent Orders To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before January 29, 2007.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''General Dynamics, File No. 061 0150,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/ Office of the Secretary, Room 135–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).[1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not contain any nonpublic information may instead be filed in electronic form as part of or as an attachment to e-mail messages directed to the following e-mail box: *consentagreement@ftc.gov*.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

FOR FURTHER INFORMATION CONTACT: Christina R. Perez, Bureau of Competition, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2048.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for December 28, 2006), on the World Wide Web, at *http://www.ftc.gov/os/2006/12/index.htm*. A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from General Dynamics Corporation (''GD''). The purpose of the proposed Consent Agreement is to remedy the competitive harm that would otherwise result from GD's acquisition of SNC Technologies, Inc. and SNC Technologies, Corp. (collectively ''SNC''). Under the terms of the proposed Consent Agreement, GD is required to divest its interest in American Ordnance LLC to a buyer approved by the Commission in a manner approved by the Commission within four months of acquiring SNC.

The proposed Consent Agreement has been placed on the public record for thirty days to solicit comments from interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw the

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

proposed Consent Agreement or make it final.

On February 23, 2006, GD entered into a Share Purchase Agreement to acquire SNC from SNC-Lavalin Group for approximately $275 million (CAN$315 million). The Commission's complaint alleges that the proposed acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by bringing together two of only three competitors in the market for melt-pour load, assemble and pack services (''LAP services'') for mortar rounds and artillery shells in the United States and Canada. The proposed Consent Agreement would remedy the alleged violations by requiring a divestiture that will replace the competition that otherwise would be lost in this market as a result of the acquisition.

II. The Parties

GD is a diversified defense company with leading market positions in aviation, information systems, shipbuilding and marine systems, and land and amphibious combat systems. General Dynamics Ordnance and Tactical Systems (''GD–OTS'') is a business unit within GD that manufactures large and medium caliber ammunition and precision metal components, produces spherical propellant for small caliber ammunition used in various military applications, provides explosive LAP services for a variety of tactical missile and rocket programs, and designs and produces shaped charge warheads and control actuator systems. GD–OTS also maintains a fifty percent interest in American Ordnance, a joint venture with Day & Zimmerman, Inc. (''DZI'') formed to operate the Middletown, Iowa Army ammunition plant (''Iowa AAP'') and Milan, Tennessee Army ammunition plant (''Milan AAP'') under a single entity to gain certain economic efficiencies. In 2005, GD had revenues of over $21.2 billion, and GD–OTS sold approximately $615 million in munitions and propellant.

SNC develops and manufactures ammunition and ammunition systems for Canadian and United States military divisions and law enforcement agencies. The company's products include large, medium, and small caliber ammunition, propellants, propelling charges and explosives, pyrotechnics, and simulated ammunition products for training applications. It also provides a wide variety of LAP services, including melt-pour. In 2005, SNC garnered approximately $286 million in sales, including $136 million from sales within the United States.

III. The Relevant Product Market

The relevant product market in which to evaluate the proposed acquisition is the market for melt-pour LAP services for mortar rounds and artillery shells. Mortar rounds and artillery shells are relatively inexpensive, mass-produced projectiles employed by infantry troops. Melt-pour LAP services are the critical final step in producing and delivering mortar rounds and artillery shells to the U.S. military. LAP services consist of filling (or loading) the mortar with an explosive, trinitrotoluene (''TNT''), assembling the various components to complete the munition and packing the rounds for safe shipment to various military installations around the world. LAP services other than melt-pour or using different explosives than TNT are either too expensive or cumbersome for use with mass-produced weapons such as mortar rounds and artillery shells. As a result, a five to ten percent increase in the cost of melt-pour LAP services for mortar rounds and artillery shells would not cause the U.S. military to switch to any other type of LAP services.

The U.S. military contracts with suppliers for its requirements of melt-pour LAP services for mortar rounds and artillery shells. Contracts for melt-pour LAP services for mortar rounds and artillery shells typically are bid out every five years—one-year firm contract with four one-year renewal options. The Army is currently in the process of awarding two contracts for LAP services—a combined 60 mm and 81 mm mortar contract and a 120 mm mortar contract. The next melt-pour LAP services contracts for mortar rounds and artillery shells will not likely be competed until 2011.

IV. Market Structure & Participants

The market for melt-pour LAP services for mortar rounds and artillery shells is highly concentrated. At present, only three companies have the ability to effectively supply these services to the United States Army: SNC, American Ordnance, and DZI. Each of these companies currently contracts with the Army to provide at least one type mortar round or artillery shell melt-pour LAP service. SNC's melt-pour operations are located in its privately-owned facility in Le Gardeur, Canada. American Ordnance and DZI both operate melt-pour facilities that are parts of Army ammunition plants (''AAPs'') owned by the U.S. government and run by private companies. American Ordnance operates two such plants, the Milan AAP and the Iowa AAP. DZI currently operates the AAP located in Parsons, Kansas (''Kansas AAP'').

Through its plant in Le Gardeur, Canada, SNC produces large, medium, and small caliber ammunition ranging from 155 mm artillery shells to small caliber bullets. The company currently provides various caliber mortar rounds and artillery shells for the Canadian government, as well as 120 mm mortar rounds for the U.S. military. In 2005, SNC's Le Gardeur plant produced sales revenues of approximately $45 million in propellant, explosives and ammunition.

American Ordnance is a joint venture owned equally by GD and DZI. The companies share equally in the profits of the joint venture, and both have representatives on American Ordnance's board of directors. American Ordnance, however, has its own management structure, and neither GD nor DZI is involved in the day-to-day operations of the joint venture. American Ordnance has contracts with the U.S. government to operate the Iowa and Milan AAPs through December 31, 2008. The Army has recently begun the process of seeking proposals for contracts to operate those plants after that date and anticipates awarding the contracts by September of 2008, at the latest, to provide sufficient transition time if a company other than American Ordnance wins the contracts.

In addition to its fifty percent ownership interest in American Ordnance, DZI also operates the Kansas AAP. Future operations of the Kansas AAP are doubtful, however, as the plant was designated for closure as part of the 2005 Base Realignment and Closure (''BRAC'') legislation. The BRAC recommendations call for operations located at the Kansas AAP to be moved to other plants beginning in 2008, with full closure of the Kansas AAP scheduled to take place by 2011. Therefore, although three market participants existed in the most recent round of contracting for the provision of melt-pour LAP services for mortar rounds and artillery shells, it appears unlikely that the Kansas facility will remain a viable alternative for the next round of contracting, leaving only SNC and American Ordnance to bid.

V. Competitive Effects

The proposed transaction raises competitive concerns in the market for melt-pour LAP services for mortar rounds and artillery shells because, post-transaction, GD would own 100% of SNC, while at the same time retaining fifty percent ownership in American Ordnance. The competitive concerns

arising from GD having some level of ownership interest in two of the three companies currently in the market for melt-pour LAP services for mortar rounds and artillery shells are compounded by the fact that DZI appears likely to lose access to the Kansas AAP and, thus, may be unable to compete for the next round of contracts. This raises the likelihood that GD could act unilaterally to raise prices or otherwise engage in anticompetitive behavior in the market for melt-pour LAP services for mortar rounds and artillery shells. The proposed transaction also raises competitive concerns relating to the current round of competition for melt-pour LAP services for 120 mm and 60 mm and 81 mm mortar rounds.

Absent Commission action, it appears likely that the only two potential bidders for current and future melt-pour LAP service contracts for mortar rounds or artillery shells are SNC and American Ordnance. With the proposed acquisition, GD has an incentive to act unilaterally to raise prices in the relevant product market because it will own all of SNC and receive half of the profits from American Ordnance. GD would have an incentive to submit bids with higher pricing, or other less competitive terms, than SNC would have submitted as an independent company because even if GD/SNC loses the bid, it would lose to American Ordnance, in which GD shares fifty percent of the profits. Therefore, GD would have less incentive to compete vigorously for these contracts, because it would benefit financially regardless of which company wins the contract.

The proposed transaction also increases the likelihood that GD and American Ordnance could coordinate their competing bids for contracts. Through its ownership in American Ordnance, GD would have certain contacts and access to competitively sensitive information that could facilitate reaching terms of coordination, and the detection and punishment of deviations from those terms.

VI. Entry Conditions

Entry into the market for the provision of melt-pour LAP services for mortar rounds and artillery shells appears unlikely to occur within the relevant time frame. Establishing a melt-pour operation to effectively enter and compete in this market is expensive and time-consuming, and is unlikely to occur in the next two years, particularly because the Army is not planning any new acquisitions before 2011. Further, even if a firm were to enter the market, it would face the difficult task of winning a bid for a critical product without a demonstrated track record of being able to produce and deliver the product.

VII. The Proposed Consent Agreement

The proposed Consent Agreement effectively remedies the competitive harm that would likely result from the acquisition by requiring GD to divest its interest in American Ordnance, at no minimum price, to a purchaser that receives the prior approval of the Commission and in a manner that receives the prior approval of the Commission. The proposed Consent Agreement requires GD to divest its interest in American Ordnance within four months after it completes its acquisition of SNC. By requiring the divestiture of General Dynamic's interest in American Ordnance to a third party, the proposed Consent Agreement ensures that American Ordnance and a combined GD/SNC will remain independent competitors in the market post-acquisition.

Because the Consent Agreement contemplates a divestiture by GD of its interest in American Ordnance after acquiring SNC, an order to hold the American Ordnance business separate (''Hold Separate Order'') is included. The Hold Separate Order requires that GD keep the American Ordnance business separate and apart from its other GD businesses, and that the company refrain from involvement in the direction, oversight, or influence of American Ordnance's business. The Hold Separate Order also requires that GD's members of American Ordnance's board of managers be replaced with independent managers who are not affiliated with GD in any way. GD may not permit any of its employees, officers, or directors to be involved in the operations of American Ordnance while the Hold Separate Order remains in effect.

The proposed Consent Agreement also allows the Commission to appoint an interim monitor to oversee GD's compliance with all of its obligations and performance of its responsibilities pursuant to the Commission's Decision and Order. The interim monitor, if appointed, would be required to file periodic reports with the Commission to ensure that the Commission remains informed about the status of the divestiture and the efforts being made to accomplish the divestiture.

The proposed Consent Agreement includes a provision that requires GD to notify the Commission within five days of submitting a proposal to obtain the facilities use contract for either the Iowa AAP or the Milan AAP, and to provide the Commission with copies of all documents submitted as part of the proposal. This notification will allow the Commission to consult with the Department of Defense and the Army regarding possible competitive concerns that may arise in the future should GD be awarded the contracts to operate these melt-pour facilities in addition to owning SNC.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and it is not intended to constitute an official interpretation of the Consent Agreement or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E6–22644 Filed 1–5–07; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Meeting of the Advisory Committee on Minority Health

AGENCY: Office of Minority Health, Office of Public Health and Science, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Advisory Committee on Minority Health (ACMH) will hold a meeting. This meeting is open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meeting and/or participate in the public comment session should e-mail *acmh@osophs.dhhs.gov.*

DATES: The meeting will be held on January 23, 2007, from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, Maryland 20910. The meeting is accessible from the Silver Spring Metro Station. The Crowne Plaza Hotel will provide shuttle service to and from the Silver Spring Metro Station for individuals attending the ACMH meeting on January 23, 2007. Meeting participants can call the hotel at (301) 589–0800 for shuttle pick-up if they don't see the shuttle. Meeting participants may also walk the three short blocks to the hotel from the Silver Spring station by exiting onto Wayne Avenue and walking toward the Discovery Building. Make a left onto Georgia Avenue and walk the 1 block

toward the Crowne Plaza. The hotel will be on the right-hand side.

FOR FURTHER INFORMATION AND REGISTRATION CONTACT: Ms. Monica A. Baltimore, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–2882. Fax: 240–453–2883.

SUPPLEMENTARY INFORMATION: In accordance with Public Law 105–392, the ACMH was established to provide advice to the Deputy Assistant Secretary for Minority Health in improving the health of each racial and ethnic minority group and on the development of goals and specific program activities of the Office of Minority Health.

Topics to be discussed during this meeting will include strategies to improve the health of racial and ethnic minority populations through the development of health policies and programs that will help eliminate health disparities, as well as other related issues.

Public attendance at the meeting is 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 designated contact person at least fourteen business days prior to the meeting. Members of the public will have an opportunity to provide comments at the meeting. Public comments will be limited to three minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least five business days prior to the meeting. Any members of the public who wish to have printed material distributed to ACMH committee members should submit their materials to Garth Graham, M.D., M.P.H., Executive Secretary, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852, prior to close of business January 16, 2007.

Dated: December 22, 2006.

Mirtha R. Beadle,

Deputy Director, Office of Minority Health, Office of Public Health and Science, Office of the Secretary, U.S. Department of Health and Human Services.

[FR Doc. E7–35 Filed 1–5–07; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Evaluation of the Community Healthy Marriage Initiative.

OMB No.: No collection.

Description: The administration for Children and Families, United States Department of Health and Human Services, is conducting a demonstration and evaluation called Community Healthy Marriage Initiative (CHMI). Demonstration programs will be funded to support healthy marriage directly as well as encourage community changes in norms that increase support for healthy marriages and improve child and family well-being. The objective of the impact evaluation is to evaluate the community effects of these interventions on marital stability and satisfaction and child and family well-being outcomes among low-income families. Primary data for the impact evaluation will come from three waves of in-person data collection. This collection is a baseline survey of community members where CHMI demonstrations are operating, the first of three CMI surveys. The impact evaluation will assess the effects of community healthy marriage initiatives by comparing family and child well-being outcomes in the CHMI communities with similar outcomes in comparison communities that are well matched to the demonstration project sites.

Respondents: Community members aged 18–49 in three study sites and three comparison communities.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CHMI Baseline Survey	4,200	1	0.666666	2,800

Estimated Total Annual Burden Hours: 2,800

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: January 3, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–12 Filed 1–5–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Evaluation of the Refugee Social Service (RSS) and Targeted Assistant Formula Grant (TAG) Programs: Data Collection.

OMB No.: 0970–0296.

Description: The Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS) funds the Refugee Social Services (RSS) and Targeted Assistance Formula Grant (TAG) programs, which are designed to help refugees achieve economic success quickly following their arrival in the United States through employment services, English-language instruction, vocational training, and other social services. ORR is sponsoring a project to (a) conduct a comprehensive evaluation of the effectiveness of ORR employability services through RSS and TAG, and (b) propose options for institutionalizing ongoing evaluation and performance

assessment into the programs. ORR is requesting renewal of OMB clearance for a survey of refugees that is collecting data on refugees' employment and earnings outcomes. Survey interviews began in July 2006, and are still ongoing. The survey is being conducted in three cities: Houston, Miami, and Sacramento. The survey relies on a mixed-mode data collection method that involves both telephone and in-person interviews. If individuals cannot be reached by phone, an attempt is made to contact them in person. Three hundred refugees from a randomly selected sample in each site will complete the survey, for a total of 900 refugees.

While locating and interviewing this population was expected to be difficult due to their high mobility, achieving the goal of 900 complete responses needed for reliable analysis, while maintaining reasonable response rates, has proven more time-consuming than expected. As of December 1, 2006, 547 refugees have already completed the survey, and approximately 64 more completions are expected in 2006, meaning that about 289 interviews would occur in 2007. Consequently, ORR is requesting clearance to continue the survey into 2007.

Respondents: Refugees and related populations that qualify for RSS/TAG services who entered the United States between October 1999 and September 2004.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey of Refugees	289	1	0.75	217

Estimated Total Annual Burden Hours: 217.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn; ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: January 3, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–13 Filed 1–5–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: DHHS/ACF/ASPE/DOL Enhanced Services for the Hard-to-Employ Demonstration and Evaluation: Rhode Island 15-Month Survey Amendment.

OMB No. 0970–0276.

Description: The Enhanced Services for the Hard-to-Employ Demonstration and Evaluation Project (HtE) seeks to learn what works in this area to date and is explicitly designed to build on past research by rigorously testing a wide variety of approaches to promote employment and improve family functioning and child well-being. The HtE project is designed to help Temporary Assistance for Needy Families (TANF) recipients, former TANF recipients, or low-income parents who are hard-to-employ. The project is sponsored by the Office of Planning, Research and Evaluation (OPRE) of the Administration for Children and Families (ACF), the Office of the Assistant Secretary for Planning and Evaluation (ASPE) in the U.S. Department of Health and Human Services (HHS), and the U.S. Department of Labor (DOL).

The evaluation involves an experimental, random assignment design in four sites, testing a diverse set of strategies to promote employment for low-income parents who face serious obstacles to employment. The four include: (1) Intensive care management to facilitate the use of evidence-based treatment for major depression among parents receiving Medicaid in Rhode Island; (2) job readiness training, worksite placements, job coaching, job development and other training opportunities for recent parolees in New York City; (3) pre-employment services and transitional employment for long-term TANF participants in Philadelphia; and (4) home- and center-based care, enhanced with self-sufficiency services, for low-income families who have young children or are expecting in Kansas and Missouri.

Materials for follow-up surveys for each of these sites were previously submitted to OMB and were approved. The purpose of this submission is to add physiological measures to the follow-up effort to the Rhode Island study.

Respondents: The respondents to this component of the Rhode Island follow-up survey will be low-income parents and their children from the Rhode Island site currently participating in the HtE Project. As described in the prior OMB submission, these parents are Medicaid recipients between the ages of 18 and 45 receiving Medicaid through the managed care provider United Behavioral Health (UBH) in Rhode Island who meet study criteria with regard to their risk for depression. Children are the biological, adopted, and step-children of these parents, between the ages of 1 and 18 years of age.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
RI 15-month, parent physiological component	400	8	5 minutes or .08 hrs	266.66
RI 15-month young child physiological component	160	8	5 minutes or .08 hrs	106.66
RI 15-month, youth physiological component	242	8	5 minutes or .08 hrs	161.33

Estimates Total Annual Burden Hours: 534.65

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E mail address: infocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for, Children and Families.

Dated: January 3, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–14 Filed 1–5–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0527]

Agency Information Collection Activities; Proposed Collection; Comment Request; Threshold of Regulation for Substances Used in Food-Contact Articles

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requests for exemption from the food additive listing regulation requirements that are submitted under part 170 (21 CFR part 170).

DATES: Submit written or electronic comments on the collection of information by March 9, 2007.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.fda.gov/dockets/ecomments*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Threshold of Regulation for Substances Used in Food-Contact Articles—21 CFR 170.39 (OMB Control Number 0910–0298)—Extension

Under section 409(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(a)), the use of a food additive is deemed unsafe unless one of the following is applicable: (1) It conforms to an exemption for investigational use under section 409(j) of the act, (2) it conforms to the terms of a regulation prescribing its use, or (3) in the case of a food additive which meets the definition of a food-contact substance in section 409(h)(6) of the act, there is either a regulation authorizing its use in accordance with section 409(a)(3)(A) or an effective notification in accordance with section 409(a)(3)(B).

The regulations in § 170.39 (21 CFR 170.39) established a process that provides the manufacturer with an opportunity to demonstrate that the likelihood or extent of migration to food of a substance used in a food-contact article is so trivial that the use need not be the subject of a food additive listing

regulation or an effective notification. The agency has established two thresholds for the regulation of substances used in food-contact articles. The first exempts those substances used in food-contact articles where the resulting dietary concentration would be at or below 0.5 part per billion (ppb). The second exempts regulated direct food additives for use in food-contact articles where the resulting dietary exposure is 1 percent or less of the acceptable daily intake for these substances.

In order to determine whether the intended use of a substance in a food-contact article meets the threshold criteria, certain information specified in § 170.39(c) must be submitted to FDA. This information includes the following components: (1) The chemical composition of the substance for which the request is made, (2) detailed information on the conditions of use of the substance, (3) a clear statement of the basis for the request for exemption from regulation as a food additive, (4) data that will enable FDA to estimate the daily dietary concentration resulting from the proposed use of the substance, (5) results of a literature search for toxicological data on the substance and its impurities, and (6) information on the environmental impact that would result from the proposed use.

FDA uses this information to determine whether the food-contact article meets the threshold criteria. Respondents to this information collection are individual manufacturers and suppliers of substances used in food-contact articles (i.e., food packaging and food processing equipment) or of the articles themselves.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
170.39	15	1	15	48	720

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In compiling these estimates, FDA consulted its records of the number of regulation exemption requests received in the past 3 years. The annual hours per response reporting estimate is based on information received from representatives of the food packaging and processing industries and agency records.

FDA estimates that approximately 15 requests per year will be submitted under the threshold of regulation exemption process of § 170.39. The threshold of regulation process offers one advantage over the premarket notification process for food-contact substances established by section 409(h) of the act (OMB control number 0910–0495) in that the use of a substance exempted by the agency is not limited to only the manufacturer or supplier who submitted the request for an exemption. Other manufacturers or suppliers may use exempted substances in food-contact articles as long as the conditions of use (e.g., use levels, temperature, type of food contacted, etc.) are those for which the exemption was issued. As a result, the overall burden on both the agency and the regulated industry would be significantly less in that other manufacturers and suppliers would not have to prepare, and FDA would not have to review, similar submissions for identical components of food-contact articles used under identical conditions. Manufacturers and other interested persons can easily access an up-to-date list of exempted substances which is on display at FDA's Division of Dockets Management and on the Internet at *http://www.cfsan.fda.gov*. Having the list of exempted substances publicly available decreases the likelihood that a company would submit a food additive petition or a notification for the same type of food-contact application of a substance for which the agency has previously granted an exemption from the food additive listing regulation requirement.

Dated: December 29, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–6 Filed 1–5–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0526]

International Conference on Harmonisation; Draft Guidance on E15 Terminology in Pharmacogenomics; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled ''E15 Terminology in Pharmacogenomics.'' The draft guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The draft guidance contains definitions of key terms in the discipline of pharmacogenomics and pharmacogenetics, namely genomic biomarkers, pharmacogenomics, pharmacogenetics, and genomic data and sample coding categories. In the effort to develop harmonized approaches to drug regulation, it is important to ensure that consistent definitions of terminology are being applied across all constituents of the ICH. The draft guidance is intended facilitate the integration of the discipline of pharmacogenomics and pharmacogenetics into global drug development and approval processes.

DATES: Submit written or electronic comments on the draft guidance by April 9, 2007.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. Send two self-addressed labels to assist the office in processing your requests. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section

for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Felix Frueh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, rm. 4512, Silver Spring, MD 20993–0002, 301–796–1530; or

Raj K. Puri, Center for Biologics Evaluation and Research (HFM–735), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–0471.

Regarding the ICH: Michelle Limoli, Office of International Programs (HFG–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4480.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health, Labour, and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, Health Canada, and the European Free Trade Area.

In October 2006, the ICH Steering Committee agreed that a draft guidance entitled ''E15 Terminology in Pharmacogenomics'' should be made available for public comment. The draft guidance is the product of the E15 Pharmacogenomics Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the E15 Pharmacogenomics Expert Working Group.

The draft guidance represents an international effort to harmonize pharmacogenomics definitions and sample coding. Inconsistent definitions make it difficult to achieve agreement on parameters for implementation of pharmacogenomics in global pharmaceutical development, and might lead to inconsistent assessments by regulators. The draft guidance contains definitions of key terms in the discipline of pharmacogenomics and pharmacogenetics, namely genomic biomarkers, pharmacogenomics, pharmacogenetics, and genomic data and sample coding categories. Timely harmonisation of terminology and definitions will create a common foundation for future guidance on pharmacogenomics.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft guidance. 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.

III. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/ohrms/dockets/default.htm*, *http://www.fda.gov/cder/guidance/index.htm*, or *http://www.fda.gov/cber/publications.htm*.

Dated: December 29, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–5 Filed 1–5–07; 8:45 am]

BILLING CODE 4160–01–S

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.

Proposed Project: GPRA Client Outcomes for the Substance Abuse and Mental Health Services Administration (SAMHSA)—(OMB No. 0930–0208)—Revision.

The mission of the Substance Abuse and Mental Health Services Administration (SAMHSA) is to improve the effectiveness and efficiency of substance abuse and mental health treatment and prevention services across the United States. All of SAMHSA's activities are designed to ultimately reduce the gap in the availability of substance abuse and mental health services and to improve their effectiveness and efficiency.

Data are collected from all SAMHSA discretionary services grants and contracts where client/participant outcomes are to be assessed at three points (for the Center for Substance Abuse Treatment (CSAT): Intake, discharge, and post-intake and for the Center for Substance Abuse Prevention (CSAP): pre-intervention, post-intervention, and follow-up). SAMHSA-funded projects are required to submit these data as a contingency of their award. The analysis of the data also will help determine whether the goal of reducing health and social costs of drug use to the public is being achieved.

The primary purpose of this data collection activity is to meet the reporting requirements of the Government Performance and Results Act (GPRA) by allowing SAMHSA to quantify the effects and

accomplishments of SAMHSA programs.

The burden for the Center for Mental Health Services (CMHS) will be transferred from this data collection to its own separate Office of Management and Budget (OMB) clearance. The 60-day **Federal Register** Notice for National Outcome Measures (NOMS) for Consumers Receiving Mental Health Services was published on Friday, June 9, 2006 (71 FR 33476).

The burden for the CSAP gradually reduces due to the fact that this clearance request only pertains to a continuation of data collection for those grantees initially funded prior to FY2006. The new grantees (FY2006 and beyond) are approved under the NOMS for CSAP (OMB No. 0930–0230).

CSAT has no revisions to the instrument and the data collection time will remain the same but there is an increase in the number of respondents due to identifying the seven Screening, Brief Intervention, and Referral to Treatment program grantees that provide data uploads. The estimated annual response burden for this effort is provided in the table below:

ESTIMATES OF ANNUALIZED HOUR BURDEN [1]

Center/form/respondent type	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden	Added burden proportion [2]	Total annual burden hours
CSAP GPRA Participant Outcome Measures for Discretionary Programs							
Participants:							
FY2007	7,000	3	21,000	.33	6,930	.72	4,990
FY2008	3,000	3	9,000	.33	2,970	.72	2,138
CSAP Subtotal	10,000	3	30,000	.33	9,900	.72	7,128
CSAP Annualized Subtotal	5,000		15,000				3,564
CSAT GPRA Client Outcome Measures for Discretionary Programs							
Clients							
Adults	28,000	3	84,000	.33	27,720	.33	9,148
Adolescents	3,900	4	15,600	.33	5,148	.33	1,699
Screening, Brief Intervention and Referral to Treatment (SBIRT): [3]							
Screening Only	150,618	1	150,618	.10	15,062	0	0
Brief Intervention	27,679	3	83,037	.16	13,286	0	0
Brief Tx & Referral to Tx	9,200	3	27,600	.33	9,108	.33	3,006
SBIRT Client Subtotal	187,497		261,255		37,456		3,006
Client Subtotal	219,397		360,855				13,853
Data Extract by Grants: [4]							
Adult Records	400 grants	70 × 3	210	.16	34		34
Adolescent Records	73 grants	53 × 4	212	.16	34		34
Screening, Brief Intervention and Referral to Tx (SBIRT) Records:							
Screening Only	7 grants	21,517 × 1	21,517	.05	1,076		1,076
Brief Intervention	7 grants	3,954 × 3	11,862	.08	949		949
Brief Tx & Referral to Tx	7 grants	1,314 × 3	3,942	.16	631		631
Data Extract Subtotal	480		37,743				2,724
Upload [5]	5 grants		171,639	1 hr. per 6,000 records	29		29
Upload Subtotal	5 grants		171,639				29
CSAT Subtotal	219,896		570,237				16,606
TOTAL	224,896		585,237				20,170

NOTES:

1. This table represents the maximum additional burden if adult respondents provide three sets of responses/data and if CSAT adolescent respondents provide four sets of responses/data.

2. Added burden proportion is an adjustment reflecting customary and usual business practices programs engage in (e.g., they already collect the data items).

3. Screening, Brief Intervention, Treatment and Referral (SBIRT) grant program:
• 150,618 Screening Only (SO) respondents complete section A of the GPRA instrument, all of these items are asked during a customary and usual intake process resulting in zero burden; and
• 27,679 Brief Intervention (BI) respondents complete sections A & B of the GPRA instrument, all of these items are asked during a customary and usual intake process resulting in zero burden; and
• 9,200 Brief Treatment (BT) & Referral to Treatment (RT) respondents complete all sections of the GPRA instrument.
4. Data Extract by Grants: Grant burden for capturing customary and usual data.
5. Upload: 5 of the 7 SBIRT grants upload data; the other 2 grants conduct direct data entry.
6. Estimate based on $5.15 for program staff and $15 for IT staff.

Written comments and recommendations concerning the proposed information collection should be sent by February 5, 2007 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: December 22, 2006.

Elaine Parry,

Acting Director, Office of Program Services.

[FR Doc. E6–22576 Filed 1–5–07; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

DEPARTMENT OF TRANSPORTATION

[USCG–2006–24685]

Long Range Aids to Navigation (LORAN) Program; Office of Navigation and Spectrum Management

AGENCY: Coast Guard, DHS, Office of the Secretary, DOT.

ACTION: Notice; request for public comments.

SUMMARY: The Department of Transportation in coordination with the Department of Homeland Security is considering the need to continue to operate or invest in the North American LORAN–C Radionavigation System beyond fiscal year 2007. Future investment decisions might include: Decommissioning the LORAN–C system, maintaining the LORAN–C system as currently configured, or developing a fully deployed Enhanced LORAN (eLORAN) system. Contributing factors to these decisions are (1) whether the Global Positioning System (GPS) and other available back-up systems are adequate for the public's navigation and timing needs, thus making the LORAN–C system redundant, and (2) whether the eLORAN investments made to date provide enhancements that now merit consideration as a complementary capability to GPS, and not merely as a GPS back-up. The Department of Transportation and the Department of Homeland Security seek public input on the various decisions currently under consideration. For more information on LORAN, you may visit *http://www.navcen.uscg.gov.*

DATES: Comments and related material must reach the Docket Management Facility on or before February 7, 2007.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2006–24685 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Web Site: http://dms.dot.gov.*

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

(3) *Fax:* 202–493–2251.

(4) *Delivery:* Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Mr. Greg Wheeler, Department of Transportation, Office of Navigation and Spectrum Policy, 202–366–4894, e-mail *Greg.Wheeler@dot.gov* or LT Michael Herring, Project Officer, Office of Navigation Systems, Coast Guard, telephone 202–372–1561, e-mail *Michael.L.Herring@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

You may obtain a copy of this notice by calling the U.S. Coast Guard Infoline at 1–800–368–5647 or read it on the Internet on the Coast Guard Navigation Center Web site at *http://www.navcen.uscg.gov* or at *http://dms.dot.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

All comments received will be posted, without change, to *http://dms.dot.gov* and will include any personal information you have provided. Please see DOT's ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number for this notice (USCG–2006–24685) and give the reason for each comment. You may submit your comments by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments 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 received during the comment period.

Viewing comments and documents: To view comments, go to *http://dms.dot.gov* at any time, click on ''Simple Search,'' enter the last five digits of the docket number for this notice, and click on ''Search.'' You may also visit the Docket Management Facility in room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Background and Purpose

The North American LORAN–C system is a low frequency hyperbolic radionavigation system. It is approved for use in the U.S. Coastal Confluence Zone (CCZ) and as a supplemental air navigation aid. More information about LORAN–C is available at: *http://www.navcen.uscg.gov/loran/default.htm.*

While the current LORAN–C system is based on technology developed in the 1960's, a portion of the stations have been updated to allow for an enhanced signal (Enhanced LORAN) once the entire system is upgraded. More information about Enhanced LORAN (eLORAN) is available at: *http://www.navcen.uscg.gov/loran/9th-pulse-modulation-ldc.html.* Although eLORAN would improve both the accuracy and reliability of LORAN transmissions, and provide a precise timing service, further capital investment would be required before such a system would be fully operational.

The Department of Transportation and the Department of Homeland Security are evaluating: (1) Decommissioning the LORAN system, (2) maintaining the system as currently configured, and (3) whether further investment in modernizing and improving LORAN is in the public interest.

Next Steps for this Project

At this time, the Department of Transportation and the Department of Homeland Security seek public input on the various decisions currently under consideration, namely (1) the extent to which the current LORAN–C in its current form is used for positioning, navigation and timing, and (2) the extent to which eLORAN would be applied to these same practices as either a complementary service or as a backup to GPS. After considering all comments, the Department of Transportation and the Department of Homeland Security will inform the public of the agreed course of action with respect to future investment in LORAN.

Dated: December 22, 2006.

Robert Zitz,

Deputy Under Secretary for Preparedness, Department of Homeland Security.

Jeffrey N. Shane,

Under Secretary for Policy, Department of Transportation.

[FR Doc. E6–22421 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–15–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO, AND UNITED STATES SECTION

Notice of Availability of a Draft Environmental Assessment and Finding of No Significant Impact for Improvements to the Lateral A/Retamal Dike Levee System, in the Lower Rio Grande Flood Control Project, located in Hidalgo County, TX

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Availability of Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI).

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality Final Regulations (40 CFR Parts 1500 through 1508), and the United States Section, International Boundary and Water Commission's (USIBWC) Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981, (46 FR 44083); the USIBWC hereby gives notice that the Draft Environmental Assessment and FONSI for Improvements to the Lateral A/Retamal Dike Levee System, in the Lower Rio Grande Flood Control Project, located in Hidalgo County, Texas, are available.

FOR FURTHER INFORMATION CONTACT: Daniel Borunda, Environmental Protection Specialist, Environmental Management Division, United States Section, International Boundary and Water Commission; 4171 N. Mesa, C–100; El Paso, Texas 79902. Telephone: (915) 832–4767; e-mail: *daniel.borunda@ibwc.state.gov.*

DATES: Comments on the Draft EA and Draft FONSI will be accepted through February 5, 2007.

SUPPLEMENTARY INFORMATION:

Background

The USIBWC is authorized to construct, operate, and maintain any project or works projected by the United States of America on the Lower Rio Grande Flood Control Project (LRGFCP), as authorized by the Act of the 74th Congress, Sess. I Ch. 561 (H.R. 6453), approved August 19, 1935 (49 Stat. 660), and codified at 22 U.S.C. Section 277, 277a, 277b, 277c, and Acts amendatory thereof and supplementary thereto. The LRGFCP was constructed to protect urban, suburban, and highly developed irrigated farmland along the Rio Grande delta in the United States and Mexico.

The USIBWC, in cooperation with the U.S. Fish and Wildlife Service (USFWS), prepared this Draft Environmental Assessment (Draft EA) for the proposed action of raising the Lateral A/Retamal Dike Levee System located in Hidalgo County, Texas to improve flood control. This levee system is part of the LRGFCP that extends approximately 180 miles from the Town of Peñitas in south Texas to the Gulf of Mexico. The Lateral A/Retamal Dike Levee System extends approximately 14 miles, from the Carlson Settling Basin to Retamal Diversion Dam.

Proposed Action

The Proposed Action would increase the flood containment capacity of the Lateral A/Retamal Dike System to meet the 3-foot freeboard design criterion for flood protection. Throughout the approximately 11.5-mile Lateral A segment, height increases between 1.5 and 4 feet are typically needed to reach the design freeboard value. For the 3.5-mile Retamal Dike segment, typical increases in levee height range from 0 to 2 feet. The increase in levee height will result in an expansion to the levee footprint by lateral extension of the structure. Structural improvements, such as a slurry cutoff barrier or a riverside impermeable liner, may be required for some levee segments where seepage is a potential problem.

Alternatives to the Proposed Action

A No Action Alternative was evaluated for the Lateral A/Retamal Dike System. This alternative will retain the existing configuration of the system, as designed over 30 years ago, and the current level of protection currently associated with this system. Under severe storm events, current containment capacity may be insufficient to fully control Rio Grande flooding, with risks to personal safety and potential property damage.

Summary of Findings

Pursuant to NEPA guidance (40 Code of Federal Regulations 1500–1508), The President's Council on Environmental Quality issued regulations for NEPA implementation which included provisions for both the content and procedural aspects of the required Environmental Assessment. The USIBWC completed an EA of the potential environmental consequences of raising the Lateral A/Retamal Dike System to meet current requirements for flood control. The EA, which supports this Finding of No Significant Impact, evaluated the Proposed Action and No Action Alternative.

Levee System Evaluation

No Action Alternative

The No Action Alternative was evaluated as the single alternative action to the Proposed Action. The No Action Alternative will retain the current configuration of the Lateral A/Retamal Dike System, with no impacts to biological and cultural resources, land use, community resources, or environmental health issues. In terms of flood protection, however, current containment capacity under the No Action Alternative may be insufficient to fully control Rio Grande flooding under severe storm events, with associated risks to personal safety and property.

Proposed Action

Biological Resources

Improvements to the Lateral A/Retamal Dike Levee would require vegetation removal. The approximate removal is 151 acres of herbaceous vegetation, 3 acres of Mesquite-Acacia woodland, and 8 acres of Texas Ebony-Anacua forest. Given its small extent, woodland removal would have a minimum impact on wildlife habitat. No significant effects are anticipated for any of the 25 threatened and endangered species with potential habitat near the right-of-way (ROW). None of 17 wetlands located within the ROW are located within the construction corridor and would be impacted by the potential levee expansion. Indirect impacts to wetlands near the corridor will be avoided, as required, by modification of the levee expansion alignment.

Cultural Resources

Improvements to the Lateral A/Retamal Levee system may adversely affect known archaeological resources, by mechanical excavation or by burial under the expanded levee footprint. Resources potentially affected include nine areas with a high probability to contain historic or prehistoric archaeological materials, and two known archaeological sites. Historic-age resources would also be affected, primarily structures associated with irrigation canals along the levee. These resources are the levee, canals, weir gates, standpipes, bridges, and residential structures. Several of the historic-age resources identified are located landside of the levee, across irrigation canals, and will not be adversely affected or minimally affected.

Water Resources

Improvements to the levee system would increase flood containment capacity to control the design flood event with a negligible increase in water surface elevation. Levee footprint expansion would not affect water bodies.

Land Use

The expansion would take place almost completely within the ROW. Removal of approximately 3 acres of woodlands from natural resources management areas would be required. Levee expansion would affect less than 1 acre of active agricultural areas. Two irrigation canals along the levee would be temporarily affected by construction activities. There is a minimum potential for impacts on urban areas since no residential developments are located near the levee.

Community Resources

In terms of socioeconomic resources, the influx of federal funds into Hidalgo County from the levee improvement would have a positive local economic impact limited to the construction period; the impact would represent less than 1 percent of the annual county employment, income and sales values. No adverse impacts to disproportionately high minority and low-income populations were identified for construction activities. Moderate utilization of public roads is required during construction; a temporary increase in access road use would be required for equipment mobilization to staging areas.

Environmental Health Issues

Estimated air emissions of five criteria pollutants during construction represent less than 0.7 percent of the Hidalgo County annual emissions inventory. There would be a moderate increase in ambient noise levels due to excavation and fill activities. No long-term and regular exposure is expected above noise threshold values. A database search identified no waste storage or disposal sites within the expanded levee footprint and its vicinity.

Best Management Practices and Mitigation

Engineering design measures will be used, including optimization of the levee expansion alignment to avoid impacts on wooded vegetation, wetlands, and other natural resources. Riverside expansion will be used for a majority of the Lateral A/Retamal Dike Levee System. During construction, best management practices will include development of a storm water pollution prevention plan to minimize impacts of receiving waters, and use of sediment barriers and soil wetting to minimize erosion.

To protect vegetation, the construction corridor may be re-vegetated with herbaceous or woody vegetation, as agreed with the natural resources management organization where the corridor is located. Final surveys prior to the start of the project would determine the types and amounts of vegetation to be removed, and separation between construction corridor and boundaries of wetlands. To protect wildlife, construction activities will be scheduled to occur, to the extent possible, outside the bird migratory season.

If buried cultural materials are encountered during construction, work would cease and notification given to the State Historic Preservation Officer. Mitigation actions recommended by the Texas Historical Commission (THC) for potential impacts to historical or archaeological resources will be specified in a Memorandum of Agreement between THC and the USIBWC.

Availability

Single hard copies of the Draft Environmental Assessment and Finding of No Significant Impact may be obtained by request at the above address. Electronic copies may also be obtained from the USIBWC Home Page at *http://www.ibwc.state.gov.*

Dated: December 29, 2006.

Allen Thomas,

Attorney Advisor.

[FR Doc. E7–46 Filed 1–5–07; 8:45 am]

BILLING CODE 7010–01–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearing of the Judicial Conference Advisory Committee on Rules of Bankruptcy Procedure

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Bankruptcy Procedure.

ACTION: Notice of cancellation of open hearing.

SUMMARY: The public hearing on proposed amendments to the Federal Rules of Bankruptcy Procedure, scheduled for January 22, in Washington, DC, has been canceled. [Original notice of hearing appeared in the **Federal Register** of October 2, 2006.]

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: December 22, 2006.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 07–6 Filed 1–5–07; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on December 21, 2006, a proposed Consent Decree was lodged with the United States District Court for the District of Columbia in the case of *United States* v. *DaimlerChrysler AG and Mercedes-Benz USA, LLC,* Civil Action No. 1:06CV02172.

In this action, the United States filed a complaint alleging that DaimlerChrysler AG and Mercedes-Benz USA, LLC (''Defendants'') failed to timely file emission-defect information reports (''EDIRs'') with the U.S. Environmental Protection Agency, as required by 40 CFR 85.1903, with respect to the following emission-related defects in Mercedes-Benz vehicles: (1) Defects in mass the airflow sensor on certain 1998–2000 vehicles, (2) defects in the underfloor catalytic converter on 1998–2003 models with M112 and M113 engines, (3) defects in the fuel filler cap on certain 1998–2003 vehicles, (4) defects in the underhood catalysts on certain 1999–2001 M-class vehicles, (5) defects in the air pump of certain 2002–2006 vehicles, (6) defects in the fuel tank pressure sensor on certain 2001 vehicles, (7) defects in the ignition cable of certain 2001–2002 vehicles, and (8) defects in the ignition module of certain 2001 vehicles. The complaint seeks civil penalties and injunctive relief pursuant to the Clean Air Act, 42 U.S.C. 7401 *et seq.* (the ''Act'').

The proposed Consent Decree settles the United States' claims for injunctive relief and civil penalties under the Act with respect to the violations alleged in the complaint, as well as with respect to any failure of the Defendants to timely file EDIRs with respect to (1) defects in the underhood and underfloor catalytic converters on 2000 S–Class and C1–Class Mercedes-Benz vehicles and (2) defects in the inner funnel of the catalyst for certain 2004–2005 Mercedes-Benz vehicles. The proposed Consent Decree requires the Defendants to pay $1.2 million in civil penalties to the United States and to implement a Supplemental Emission-Related Defect Monitoring, Investigation, and Reporting Protocol.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Daimlerchrysler AG,* D.J. Ref. 90–5–2–1–08769. A copy of the comments should also be sent to Donald Frankel, Trial Attorney, Environmental Enforcement Section, Department of Justice, Suite 616, One Gateway Center, Newton, MA 02458.

The Consent Decree may be examined at the Office of the United States Attorney, District of Columbia, Judiciary Center Building, 555 Fourth Street, NW., Washington, DC 20530. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of $9 (25 cents per page reproduction cost) payable to the U.S. Treasury (if the request is by fax or e-mail, forward a check to the consent Decree library at the address stated above).

Karen Dworkin,

Assistant Chief, Environment Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–9999 Filed 1–5–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'')

Consistent with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on December 21, 2006, a proposed Partial Consent Decree with Flowserve Corporation in *United States* v. *Ferguson Harbour Service Inc. et al.,* No. 3:03–CV–1266 (S.D. Miss.), was lodged with the United States District Court for the Southern District of Mississippi.

In this action, the United States seeks to recover from various defendants, pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, the costs incurred and to be incurred by the United States in responding to the release and/or threatened release of hazardous substances at and from the Industrial Pollution Control Site in Jackson, Hinds County, Mississippi. Under the proposed Consent Decree, Defendant Flowserve Corporation will pay $50,000 to the Hazardous Substances Superfund in reimbursement of the costs incurred by the United States at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Partial Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Ferguson Harbour Service Inc. et al.* (Consent Decree with Flowserve Corporation, DOJ Ref. No. 90–11–3–06625/5).

The Consent Decree may be examined at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303 (contact Matthew Hicks, Esq. (404) 562–9670). During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, 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 refer to *United States* v. *Ferguson Harbour Service Inc. et al.* (Consent Decree with Flowserve Corporation, DOJ Ref. No. 90–11–3–06625/5), and enclose a check in the amount of $5.25 (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.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–9998 Filed 1–5–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

January 3, 2007.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained from RegInfo.gov 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.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Type of Review: Revision of a currently approved collection.

Title: The Consumer Expenditure Surveys: The Quarterly Interview and the Diary.

OMB Number: 1220–0050.

Type of Response: Reporting and recordkeeping.

Frequency: Quarterly and weekly.

Affected Public: Individuals or households.

Estimated Number of Respondents: 15,875.

Annual Responses: 75,850.

Total Annual Burden Hours: 72,614.

Average Burden Time per Response: Approximately 1 hour.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: The Consumer Expenditure Surveys are used to gather information on expenditures, income, and other related subjects. These data are used to periodically update the national Consumer Price Index. In addition, the data are used by a variety of researchers in academia, government agencies, and the private sector. The data are collected from a national probability sample of households designed to represent the total civilian non-institutional population.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E7–21 Filed 1–5–07; 8:45 am]

BILLING CODE 4510–24–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440; License No. NPF–58]

FirstEnergy Nuclear Operating Company, FirstEnergy Nuclear Generation Corp. (Perry Nuclear Power Plant, Unit No. 1); Order Approving Application Regarding Proposed Corporate Restructuring

I

FirstEnergy Nuclear Operating Company (FENOC) and FirstEnergy Nuclear Generation Corp. (FENGenCo), along with the Ohio Edison Company, are the holders of Facility Operating License NPF–58, which authorizes the possession, use, and operation of Perry Nuclear Power Plant, Unit No. 1 (Perry). The facility is located in Lake County, Ohio.

II

By letter dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, FENOC, the licensed operator of Perry, acting on behalf of FENGenCo and FirstEnergy Solutions Corp. (FE Solutions), submitted an application to the U.S. Nuclear Regulatory Commission (NRC or Commission) requesting, pursuant to Section 50.80 of Title 10 of the *Code of Federal Regulations* (10 CFR), approval of the indirect transfer of control of FENGenCo's license to own 87.42 percent of Perry. FE Solutions and FENGenCo are both currently wholly owned direct subsidiaries of FirstEnergy Corp. (FirstEnergy). This action is being sought as a result of a planned corporate restructuring which would make FENGenCo: (1) A wholly owned direct subsidiary of FE Solutions; and (2) a wholly owned second-tier subsidiary of FirstEnergy. The Ohio Edison Company, which holds a leased interest in Perry and is licensed to possess such interest, is not involved in the planned corporate restructuring. The proposed corporate restructuring involves no changes to the facility license. Accordingly, no license amendments are requested in the application.

A ''Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring, and Opportunity for a Hearing,'' was published in the **Federal Register** on July 12, 2006 (71 FR 39370–39371). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application submitted by FENOC and other information before the Commission, the NRC staff has determined that the subject corporate restructuring will not affect the qualifications of FENGenCo to hold the license to the same extent now held by FENGenCo, and that the indirect transfer of the license as held by FENGenCo effected by the corporate restructuring is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto, subject to the condition discussed herein.

The findings set forth above are supported by a safety evaluation dated December 28, 2006.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the application regarding

the proposed corporate restructuring and indirect license transfer is approved, subject to the following condition:

Should the proposed corporate restructuring not be completed by December 28, 2007, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, and the safety evaluation dated December 28, 2006, which are available for public inspection in the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

Dated: December 28, 2006.

For the Nuclear Regulatory Commission.

John W. Lubinski,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–1 Filed 1–5–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412; License Nos. DPR–66 and NPF–73]

FirstEnergy Nuclear Operating Company, FirstEnergy Nuclear Generation Corp. (Beaver Valley Power Station, Units 1 and 2); Order Approving Application Regarding Proposed Corporate Restructuring

I

FirstEnergy Nuclear Operating Company (FENOC) and FirstEnergy Nuclear Generation Corp. (FENGenCo) are the holders of Facility Operating License DPR–66 and along with the Ohio Edison Company and Toledo Edison Company Facility Operating License NPF–73, which authorize the possession, use, and operation of Beaver Valley Power Station, Unit 1 (BVPS 1) and Beaver Valley Power Station, Unit 2 (BVPS 2), respectively. The facilities are located in Beaver County, Pennsylvania.

II

By letter dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, FENOC, the licensed operator of BVPS 1 and 2, acting on behalf of FENGenCo and FirstEnergy Solutions Corp. (FE Solutions), submitted an application to the U.S. Nuclear Regulatory Commission (NRC or Commission) requesting, pursuant to Section 50.80 of Title 10 of the *Code of Federal Regulations* (10 CFR), approval of the indirect transfer of control of FENGenCo's licenses to own FENGenCo's interest in BVPS 1 and BVPS 2. FE Solutions and FENGenCo are both currently wholly owned direct subsidiaries of FirstEnergy Corp. (FirstEnergy). This action is being sought as a result of a planned corporate restructuring which would make FENGenCo: (1) A wholly owned direct subsidiary of FE Solutions; and 2) a wholly owned second-tier subsidiary of FirstEnergy. The Ohio Edison Company and the Toledo Edison Company, which hold leased interests in BVPS 2 and are licensed to possess such interests, are not involved in the planned corporate restructuring. The proposed corporate restructuring involves no changes to any of the facility licenses. Accordingly, no license amendments are requested in the application.

A ''Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring, and Opportunity for a Hearing,'' was published in the **Federal Register** on July 12, 2006 (71 FR 39371–39372). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application submitted by FENOC and other information before the Commission, the NRC staff has determined that the subject corporate restructuring will not affect the qualifications of FENGenCo to hold the licenses to the same extent now held by FENGenCo, and that the indirect transfer of the licenses as held by FENGenCo effected by the corporate restructuring is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto, subject to the condition discussed herein.

The findings set forth above are supported by a safety evaluation dated December 28, 2006.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the application regarding the proposed corporate restructuring and indirect license transfers is approved, subject to the following condition:

Should the proposed corporate restructuring not be completed by December 28, 2007, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, and the safety evaluation dated December 28, 2006, which are available for public inspection in the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

Dated: December 28, 2006.

For the Nuclear Regulatory Commission.

John W. Lubinski,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–2 Filed 1–5–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346; License No. NPF–3]

FirstEnergy Nuclear Operating Company, FirstEnergy Nuclear Generation Corp. (Davis-Besse Nuclear Power Station, Unit No. 1); Order Approving Application Regarding Proposed Corporate Restructuring

I

FirstEnergy Nuclear Operating Company (FENOC) and FirstEnergy Nuclear Generation Corp. (FENGenCo) are the holders of Facility Operating License NPF–3, which authorizes the possession, use, and operation of Davis-Besse Nuclear Power Station, Unit No. 1 (Davis-Besse). The facility is located in Ottawa County, Ohio.

II

By letter dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, FENOC, the licensed operator of Davis-Besse, acting on behalf of FENGenCo and FirstEnergy Solutions Corp. (FE Solutions), submitted an application to the U.S. Nuclear Regulatory Commission (NRC or Commission) requesting, pursuant to Section 50.80 of Title 10 of the *Code of Federal Regulations* (10 CFR), approval of the indirect transfer of control of FENGenCo's license to own 100 percent of Davis-Besse. FE Solutions and FENGenCo are both currently wholly owned direct subsidiaries of FirstEnergy Corp. (FirstEnergy). This action is being sought as a result of a planned corporate restructuring which would make FENGenCo: (1) A wholly owned direct subsidiary of FE Solutions; and (2) a wholly owned second-tier subsidiary of FirstEnergy. The proposed corporate restructuring involves no changes to the facility license. Accordingly, no license amendments are requested in the application.

A ''Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring, and Opportunity for a Hearing,'' was published in the **Federal Register** on July 12, 2006 (71 FR 39370). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application submitted by FENOC and other information before the Commission, the NRC staff has determined that the subject corporate restructuring will not affect the qualifications of FENGenCo to hold the license to the same extent now held by FENGenCo, and that the indirect transfer of the license as held by FENGenCo effected by the corporate restructuring is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto, subject to the condition discussed herein.

The findings set forth above are supported by a safety evaluation dated December 28, 2006.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the application regarding the proposed corporate restructuring and indirect license transfer is approved, subject to the following condition:

> Should the proposed corporate restructuring not be completed by December 28, 2007, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, and the safety evaluation dated December 28, 2006, which are available for public inspection in the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

Dated: December 28, 2006.

For the Nuclear Regulatory Commission.

John W. Lubinski,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–3 Filed 1–5–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

DATE: Weeks of January 8, 15, 22, 29, February 5, 12, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of January 8, 2007

Wednesday, January 10, 2007.

9:30 a.m.

Briefing on Browns Ferry Unit 1 Restart (Public Meeting) (Contact: Catherine Haney, 301–415–1453).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Thursday, January 11, 2007.

1:25 p.m.

Affirmation Session (Public Meeting) (Tentative).

a. Final Rulemaking to Revise 10 CFR 73.1, Design Basis Threat (DBT) Requirements (Tentative).

b. Entergy Nuclear Vermont Yankee, LLC, & Entergy Nuclear Operations, Inc. Reconsid'n denied (Oct. 30, 2006) (Tentative).

c. Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), Intervenor Pilgrim Watch's Appeal of LBP–06–23 (Ruling on Standing and Contentions) (Tentative).

d. Entergy Nuclear Vermont Yankee, LLC, & Entergy Nuclear Operations, Inc. Generation Company & Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), LBP–06–23 (10/16/06) (Tentative).

1:30 p.m.

Periodic Briefing on New Reactor Issues (Public Meeting) (Contact: Donna Williams, 301–415–1322).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Week of January 15, 2007—Tentative

There are no meetings scheduled for the Week of January 15, 2007.

Week of January 22, 2007—Tentative

Tuesday, January 23, 2007.

1:30 p.m.

Joint Meeting with Federal Energy Regulatory Commission on Grid Reliability (Public Meeting) (Contact: Mike Mayfield, 301–415–0561).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Week of January 29, 2007—Tentative

Wednesday, January 31, 2007.

9:30 a.m.
Discussion of Security Issues (Closed—Ex. 1 & 3). To be held at Department of Homeland Security Headquarters, Washington, DC.

Thursday, February 1, 2007.

9:30 a.m.
Discussion of Management Issues (Closed—Ex. 2).
1:30 p.m.
Briefing on Strategic Workforce Planning and Human Capital Initiatives (Public Meeting) (Contact: Mary Ellen Beach, 301–415–6803).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Week of February 5, 2007—Tentative

There are no meetings scheduled for the Week of February 5, 2007.

Week of February 12, 2007—Tentative

Thursday, February 15, 2007.

9:30 a.m.
Briefing on Office of Chief Financial Officer (OCFO) Programs, Performance, and Plans (Public Meeting) (Contact: Edward New, 301–415–5646).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

* * * * *

* 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 5–0 on December 13, 2006, the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that ''Discussion of Management Issues (Closed-Ex.2)'' be held December 14, 2006, and on less than one week's notice to the public.

Affirmation of ''Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), Intervenor Pilgrim Watch's Appeal of LBP–06–23 (Ruling on Standing and Contentions)'' tentatively scheduled for Thursday, January 4, 2007, at 12:55 p.m. has been rescheduled tentatively on Thursday, January 11, 2007, at 1:25 p.m.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/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, Deborah Chan, at 301–415–7041, TDD: 301–415–2100, or by e-mail at *DLC@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: January 3, 2007.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 07–22 Filed 1–4–07; 10:01 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:
Form 10–QSB; OMB Control No. 3235–0416; SEC File No. 270–369.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on this collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management Budget for approval.

Form 10–QSB (17 CFR 249.308b) is a quarterly report form that is available to ''small business issuers'' as defined by regulations under the Securities Exchange Act 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*), and is used by such issuers to satisfy their quarterly reporting obligations pursuant to Section 13 and Section 15(d) of the Exchange Act (15 U.S.C. 78m and 78o(d)). Form 10–QSB provides a comprehensive overview of the small business issuer's business, although its requirements call for slightly less detailed information than required by Form 10–Q (17 CFR 249.308a). Form 10–QSB takes approximately 182 hours per response to prepare and is filed by 4,066 respondents three times a year for a total of 12,198 responses. We estimate that 75% of the 182 hours per response (136.5 hours) is prepared by the company for a total annual reporting burden of 1,665,027 hours (136.5 hours per response × 12,198 responses).

Written comments are invited on: (a) Whether this proposed 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 the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: *PRA_Mailbox@sec.gov*.

December 28, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22662 Filed 1–5–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–27645]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

December 29, 2006.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of December, 2006. A copy of each application may be obtained for a fee at the SEC's Public

Reference Branch (tel. 202–551–5850). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 24, 2007, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

For Further Information Contact: Diane L. Titus at (202) 551–6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street, NE., Washington, DC 20549–4041.

Agilex Funds [File No. 811–21123]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 30, 2006, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $31,625 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on December 12, 2006.

Applicant's Address: 200 East Broward Blvd., Suite 920, Fort Lauderdale, FL 33301.

Thirteenth Automatic Common Exchange Security Trust [File No. 811–9431]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on December 5, 2006.

Applicant's Address: Attn: Heather Sahrbeck, Goldman, Sachs & Co., 85 Broad St., New York, NY 10004.

Rydex Capital Partners Sphinx Fund [File No. 811–21278]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 2, 2006, applicant transferred its assets to Absolute Return Strategies Fund, a series of Rydex Series Funds, based on net asset value. Expenses of approximately $152,008 incurred in connection with the reorganization were paid by Rydex Capital Partners I, LLC, applicant's investment adviser.

Filing Date: The application was filed on November 30, 2006.

Applicant's Address: 9601 Blackwell Rd., Suite 500, Rockville, MD 20850.

State and Local Trusts, Series 1 [File No. 811–5147]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On November 17, 2006, applicant made a liquidating distribution to its unitholders, based on net asset value. Expenses of approximately $3,000 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on November 22, 2006.

Applicant's Address: 800 Shades Creek Parkway, Suite 700, Birmingham, AL 35209.

Mount Yale Opportunity Fund, LLC [File No. 811–21635]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On September 30, 2006, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $4,000 incurred in connection with the liquidation were paid by Mount Yale Asset Management, LLC, applicant's investment adviser.

Filing Dates: The application was filed on November 7, 2006, and amended on December 20, 2006.

Applicant's Address: 8000 Norman Center Dr., Suite 630, Minneapolis, MN 55437.

GAM Funds, Inc. [File No. 811–4062]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On or about September 28, 2006, applicant made a final liquidating distribution to its shareholders, based on net asset value. Expenses of $26,671 incurred in connection with the liquidation were paid by GAM International Management Limited, applicant's investment adviser. Applicant has retained $1,410,759 in cash, which is being held by Brown Brothers Harriman & Co., applicant's custodian, to pay certain outstanding accrued expenses.

Filing Dates: The application was filed on November 13, 2006, and amended on December 14, 2006.

Applicant's Address: 330 Madison Ave., New York, NY 10017.

Man-Glenwood Lexington Institutional TEI, LLC [File No. 811–21772]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on November 20, 2006, and amended on December 11, 2006.

Applicant's Address: 123 N Wacker Dr., 28th Floor, Chicago, IL 60606.

Evergreen Hedged Specialists Fund, LLC [File No. 811–21174]; Evergreen Managed Strategies Fund, LLC [File No. 811–21175]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicants have never made a public offering of their securities and do not propose to make a public offering or engage in business of any kind.

Filing Dates: The applications were filed on March 21, 2005, and amended on November 29, 2006.

Applicants' Address: 200 Berkeley St., Boston, MA 02116.

The New York Tax-Exempt Fund, Inc. [File No. 811–5278]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On February 19, 1999, applicant transferred its assets to Oppenheimer New York Municipal Fund, based on net asset value. Less than $30,000 in expenses were incurred in connection with the reorganization and were paid by applicant.

Filing Dates: The application was filed on August 9, 2002, and amended on December 4, 2006.

Applicant's Address: OppenheimerFunds, Inc., 6803 South Tucson Way, Centennial, CO 80112.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E7–14 Filed 1–5–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54980; File No. SR–NFA–2006–04]

Self-Regulatory Organization; National Futures Association; Notice of Filing and Immediate Effectiveness of a Proposed Amendment Relating to the Interpretive Notice Regarding NFA Compliance Rules 2–7 and 2–24 and Registration Rule 401: Proficiency Requirements for Security Futures Products

December 20, 2006.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–7 under the Act,[2] notice is hereby given that on November 27, 2006, National Futures Association (''NFA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by NFA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. NFA also has filed the proposed rule change with the Commodity Futures Trading Commission (''CFTC'').

NFA, on November 21, 2006, submitted the proposed rule change to the CFTC for approval and invoked the ''ten-day'' provision of Section 17(j) of the Commodity Exchange Act (''CEA'').[3] By letter dated December 4, 2006, the CFTC notified NFA of its determination not to review the proposed rule change.[4]

I. Self-Regulatory Organization's Description of the Proposed Rule Change

In November 2001, NFA's Board approved an Interpretive Notice allowing current registrants to qualify to engage in security futures activities by taking a training program instead of a test. The Interpretive Notice initially provided for a six-month window after security futures products (''SFPs'') began trading, and the Notice was subsequently amended—as were NASD's rules—to extend that window until December 31, 2006. The proposed rule change extends the current provisions substituting training for testing until December 31, 2009.

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] 7 U.S.C. 21(j).

[4] *See* Letter from Lawrence B. Patent, Deputy Director, CFTC, to Thomas W. Sexton, III, General Counsel, NFA (December 4, 2006) (''Letter'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NFA has prepared statements concerning the purpose of, and basis for, the proposed rule change, burdens on competition, and comments received from members, participants, and others. The text of these statements may be examined at the places specified in Item IV below. NFA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Initially, both NFA and the National Association of Securities Dealers, Inc. (''NASD'') anticipated developing tests for registrants who engage in security futures activities. In the meantime, NFA and NASD jointly developed a web-based training program that complies with the training requirement. To date, just over 13,000 individuals have completed that program. Approximately 9,000 of these individuals were registered with full broker-dealers (some of which are also FCMs), and approximately 4,000 were registered with futures-only firms. The vast majority completed the training within a year after NFA began offering it.

Only 180 individuals completed the training in the first eight months of 2006. Based on the small number of new individuals who desire to sell these products and the fact that SFPs are lightly traded, NFA and NASD staffs have concluded that developing and adopting tests at this time is not cost-effective.

2. Statutory Basis

The rule change is authorized by, and consistent with, Section 15A(k) of the Act.[5]

B. Self-Regulatory Organization's Statement on Burden on Competition

The rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act and the CEA.

[5] 15 U.S.C. 78o–3(k).

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants, or Others

NFA did not publish the rule change to the membership for comment. NFA did not receive comment letters concerning the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

NFA, on November 21, 2006, submitted the proposed rule change to the CFTC for approval and invoked the ''ten-day'' provision of Section 17(j) of the CEA.[6] By letter dated December 4, 2006, the CFTC notified NFA of its determination not to review the proposed rule change.[7] The proposed rule change has become effective on December 4, 2006.

Within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[8]

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–NFA–2006–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NFA–2006–04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/*

[6] 7 U.S.C. 21(j).

[7] *See* Letter, *supra* note 4.

[8] 15 U.S.C. 78s(b)(1).

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. Copies of such filing will also be available for inspection and copying at the principal office of the NFA. 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 No. SR–NFA–2006–04 and should be submitted on or before January 29, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22658 Filed 1–5–07; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(75).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55029; File No. SR–Amex–2006–76]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Accelerated Approval to Proposed Rule Change as Modified by Amendments No. 1, 2, 3, and 4 Thereto and Notice of Filing of Amendments No. 3 and 4 Relating to the Listing and Trading of the DB Multi-Sector Commodity Trust

December 29, 2006.

I. Introduction

On August 16, 2006, the American Stock Exchange LLC (''Amex'' 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 list and trade the DB Multi-Sector Commodity Trust under Commentary .07 to Amex Rule 1202. On October 12, 2006, Amex filed Amendment No. 1 to the proposal. On November 3, 2006, Amex filed Amendment No. 2 to the proposal. The proposed rule change, as amended, was published for comment in the **Federal Register** on November 24, 2006 for a 15-day comment period.[3] The Commission received no comments regarding the proposal. On December 19, 2006, Amex filed Amendment No. 3 to the proposed rule change.[4] On December 29, 2006, Amex filed Amendment No. 4 to the proposed rule change.[5] This order approves the proposed rule change as modified by Amendments No. 1, 2, 3, and 4 on an accelerated basis and solicits comments from interested persons on Amendments No. 3 and 4.

II. Description of the Proposal

Amex Rules 1200, 1201 and 1202 provide for the listing and trading of Trust Issued Receipts (''TIRs''). Amex Rule 1202 sets out listing and trading criteria for TIRs. Pursuant to Commentary .07 to Amex Rule 1202, the Exchange may list and trade TIRs where the trust holds securities (''Investment Shares'') issued by an entity that invests in any combination of securities, futures contracts, options on futures contracts, forward contracts, commodities, swaps or high credit quality short-term fixed income securities or other securities. Commentary .07 requires the Exchange to submit a proposal pursuant to Section 19(b) of the Act subject to Commission review and approval for each new series of such TIRs holding Investment Shares.

Accordingly, the Exchange proposes to list and trade shares (''Shares'') of: (1) The PowerShares DB Energy Fund (the ''Energy Fund''); (2) the PowerShares DB Oil Fund (the ''Oil Fund''); (3) the PowerShares DB Precious Metals Fund (the ''Precious Metals Fund''); (4) the PowerShares DB Gold Fund (the ''Gold Fund''); (5) the PowerShares DB Silver Fund (the ''Silver Fund''); (6) the PowerShares DB Base Metals Fund (the ''Base Metals Fund''); and (7) the PowerShares DB Agriculture Fund (the ''Agriculture Fund'') (collectively the ''Funds'').

In its proposal, the Exchange provided detailed description regarding the structure of the Funds and the listing and trading of the Shares. In particular, the Exchange addressed (i) the designation and calculation of each Fund's underlying index, (ii) the calculation and dissemination of net asset value (''NAV''), (iii) the application of initial and continued listing criteria specified in Commentary .07 to Amex Rule 1202, (iv) the creation and redemption process, (v) dissemination of pricing and other information pertaining to the Shares, including intraday indicative value, Share price, and underlying index value, (vi) arbitrage of the Shares, (vii) listing fees, (viii) applicable Exchange trading rules, (ix) events triggering trading halts and/or delisting, (x) applicable suitability requirements, (xi) the distribution of an information circular regarding the Shares to Exchange members, and (xii) surveillance procedures.

Product Description

Each Fund's Shares represent beneficial ownership interests in a corresponding Master Fund's net assets.[6] These assets consist solely of the common units of beneficial interests of the DB Energy Master Fund, the DB Oil Master Fund, the DB Precious Metals Master Fund, the DB Gold Master Fund, the DB Silver Master Fund, the DB Base Metals Master Fund, and the DB Agriculture Master Fund (collectively, the ''Master Funds'').

Each of the Funds and each of the Master Funds are commodity pools operated by DB Commodity Services LLC (the ''Managing Owner'').[7] The Master Funds will hold primarily[8] futures contracts[9] on the commodities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 54770 (November 16, 2006), 71 FR 67935 (''Notice'').

[4] In Amendment No. 3, Amex clarified that (1) relevant Indicative Fund Values calculated by the Index Sponsor between 9:30 a.m. (when trading begins on the Amex) to 10:00 a.m. (when the oil futures open at the NYMEX) will be based on prices obtained from Reuters; (2) the Exchange will obtain a representation for each series of Portfolio Depositary Receipts that the net asset value per share will be calculated daily and will be made available to all market participants at the same time; and (3) the Exchange will require for each Fund that 200,000 Shares be outstanding prior to the commencement of trading on the Exchange.

[5] In Amendment No. 4, Amex clarified that the Exchange will delist or remove the listing of the Shares pursuant to Amex rules if a substitute index or other replacement benchmark is used in connection with the Shares, unless the Exchange files with the Commission a related proposed rule change pursuant to Rule 19b–4 under the Act seeking approval to continue trading the Shares of such Fund and such rule change is approved by the Commission. Amex also corrected a typographical error to clarify that the Shares will begin to trade on the Amex from 9:30 a.m.

[6] Each of the Funds will be formed as a separate series of the DB Multi-Sector Commodity Trust (the ''Trust''), a Delaware statutory trust. Likewise, each of the Master Funds represents a series of the DB Multi-Sector Commodity Master Trust (the ''Master Trust''), also a Delaware statutory trust.

[7] The Managing Owner, a subsidiary of DB London, is a commodity pool operator and commodity trading advisor.

[8] Other holdings of the Master Fund will include cash and U.S. Treasury securities for deposit with futures commission merchants as margin and other high credit quality short-term fixed income securities.

[9] The futures contracts in which the respective Master Fund may invest are as follows: Energy Index—sweet light crude (NYMEX), heating oil

comprising the: (1) Deutsche Bank Liquid Commodity Index—Optimum Yield Energy Excess Return ™ (''Energy Index''); (2) Deutsche Bank Liquid Commodity Index—Optimum Yield Crude Oil Excess Return ™ (''Oil Index''); (3) Deutsche Bank Liquid Commodity Index—Optimum Yield Precious Metals Excess Return ™ (''Precious Metals Index''); (4) Deutsche Bank Liquid Commodity Index—Optimum Yield Gold Excess Return ™ (''Gold Index''); (5) Deutsche Bank Liquid Commodity Index—Optimum Yield Silver Excess Return ™ (''Silver Index''); (6) Deutsche Bank Liquid Commodity Index—Optimum Yield Industrial Metals Excess Return ™ (''Base Metals Index''); and (7) Deutsche Bank Liquid Commodity Index—Optimum Yield Agriculture Excess Return ™ (''Agriculture Index'') (collectively, the ''Indexes''), as the case may be. Certain of the Indexes are based on a single commodity component. The Exchange noted that the commodities industry uses such indexes to track changes in the value of the underlying commodity over time.

The Managing Owner of the Master Funds will manage the futures contracts in order to track the performance of the respective Index. The Master Funds will include U.S. Treasury securities for margin purposes and other high credit quality short-term fixed income securities. The Master Funds are not ''actively managed.''

Underlying Indexes

Deutsche Bank AG London (''Index Sponsor'') sponsors each of the Indexes. Additional description of each Index was included in the Exchange's proposal. Notably, the Exchange stated that the Index Sponsor has in place procedures to prevent the improper sharing of information between different affiliates and departments. Specifically, an information barrier exists between the personnel within DB London that calculate and reconstitute the Indexes and other personnel of the Index Sponsor, including but not limited to the Managing Owner, sales and trading, external or internal fund managers, and bank personnel who are involved in hedging the bank's exposure to instruments linked to the Indexes, in order to prevent the improper sharing of information relating to the composition of the Indexes.

The Index Sponsor calculates intraday and closing levels of each Index on the basis of reported trading prices of the futures contract(s) constituting that index. The futures contract of each applicable Index commodity that is closest to expiration is used in the calculation of the respective Indexes. While the Index is calculated and disseminated by the Index Sponsor, a number of independent sources may verify both the intraday and closing Index values. The Index Sponsor uses independent feeds from Reuters to verify all pricing information used to calculate the Index.

Creation and Redemption of Shares

Like other exchange traded fund products, each of the Funds will issue and redeem its Shares on a continuous basis at a price equal to the NAV per share next determined after an order is received in proper form. Also, each of the Funds will issue and redeem its Shares only in aggregations of 200,000 shares (''Basket Aggregations'') and only through qualified market participants that have entered into agreements with the Managing Owner (each, an ''Authorized Participant''). Additional information about the creation and redemption process is included in Amex's proposal.[10] In summary, to create Shares, an Authorized Participant must properly place a creation order and deliver the specified ''cash deposit amount'' [11] and applicable transaction fee to the Fund Administrator, designated to be The Bank of New York. The Fund Administrator will issue to the Authorized Participant the appropriate number of Basket Aggregations. To redeem Shares, an Authorized Participant must properly place a redemption order and deliver Shares that in the aggregate constitute one or more Basket Aggregations, plus any applicable transaction fee. The Fund Administrator will deliver the appropriate ''cash redemption amount'' [12] for each Basket Aggregation that an Authorized Participant redeems.

Net Asset Value

As detailed in the Exchange's proposal,[13] the NAV for each Fund equals the total assets of the corresponding Master Fund less total liabilities of such Master Fund. The NAV of each Share equals the NAV of the corresponding Fund divided by the number of its Shares outstanding. When calculating NAV for each of the Funds and each of the Master Funds, the Administrator will value U.S. futures contracts held by such Master Fund on the basis of their then current market value. All non-U.S. futures contracts will be calculated based upon the liquidation value.

Arbitrage

In its proposal, the Exchange stated that it did not expect the Shares to trade at a material discount or premium to the Shares of the corresponding Master Fund held by the corresponding Fund. As is the case for other exchange traded products, the Exchange believes that, because the Shares can be created and redeemed, arbitrage opportunities should provide a mechanism to mitigate the effect of any premiums or discounts that may exist from time to time.

Dissemination of Index and Underlying Futures Contracts Information

The Index Sponsor will publish the intraday value and closing level of each of the Indexes at least every fifteen (15) seconds on its Web site at *http://index.db.com* and through major market data vendors (*e.g.*, Bloomberg and Reuters). The Index Sponsor and the Exchange will also provide any adjustments or changes to any of the Indexes on their respective Web sites.

Daily settlement prices, delayed futures contract information, and market news are publicly available on the Web sites of the futures exchanges where the relevant contract trades.[14] Pricing and other information for the futures contracts underlying each of the Indexes is widely disseminated through a variety of major market data vendors worldwide, including Bloomberg and Reuters.

Availability of Information Regarding the Shares

1. Indicative Fund Value

During each day the Shares trade on the Exchange, Amex will disseminate through the facilities of CTA an

(NYMEX), brent crude oil (ICE Futures), RBOB gasoline (NYMEX), natural gas (NYMEX); Oil Index—sweet light crude (NYMEX); Precious Metals Index—gold (COMEX), silver (COMEX); Gold Index—gold (COMEX); Silver Index—silver (COMEX); Base Metals Index—aluminum (LME), zinc (LME), copper-grade A (LME); Agriculture Index—corn (CBOT), wheat (CBOT), soybeans (CBOT), sugar (NYBOT).

[10] *See* Notice, *supra* note 3, 71 FR at 67941.

[11] The ''cash deposit amount'' equals the NAV per Share of the applicable Fund times 200,000 (*i.e.*, NAV per Basket Aggregation).

[12] The ''cash redemption amount'' equals the NAV per Basket Aggregation.

[13] *See* Notice, *supra* note 3, 71 FR at 67941–42.

[14] The particular futures exchange for each futures contact with Web site information are as follows: (i) Aluminum, zinc and copper—grade A—London Metals Exchange (LME) at *http://www.lme.com*; (ii) corn, wheat and soybeans—Chicago Board of Trade (CBOT) at *http://www.cbot.com*; (iii) crude oil, heating oil, RBOB gasoline, natural gas, gold, and silver—New York Mercantile Exchange (NYMEX) at *http://www.nymex.com*; (iv) brent crude oil—IntercontinentalExchange, Inc. (ICE) at *http://www.theice.com*; and (v) sugar—Board of Trade of the City of New York (NYBOT) at *http://www.nybot.com*.

indicative value for each of the Funds (''Indicative Fund Value''), representing an estimated net asset value for each Fund Share. The respective Indicative Fund Values will be disseminated on a per Share basis at least every 15 seconds during regular Amex trading hours of 9:30 a.m. to 4:15 p.m. ET.

Notably, the Indicative Fund Values will not reflect price changes to the price of an underlying commodity between the close of trading of the futures contract at the relevant futures exchange and the close of trading on the Amex at 4:15 p.m. ET.[15] The value of a Share may accordingly be influenced by non-concurrent trading hours between the Amex and the various futures exchanges where constituents of the Indexes trade.[16]

2. Other Information

In addition to the Indicative Fund Values, the Amex also intends to disseminate for each of the Funds on a daily basis by means of CTA/CQ High Speed Lines and on its Web site at *http://www.amex.com* the following information:

- The daily trading volume of each of the Shares;
- The closing prices of each Fund's Shares and the corresponding NAV;
- A hyperlink on its Web site at *http://www.amex.com* to the Index Sponsor's Web site at *http://index.db.com*.

Additionally, the Web site for each of the Funds and/or the Exchange, which are publicly accessible at no charge, will contain the following information: (a) The current NAV per share daily and the prior business day's NAV and the reported closing price; (b) the mid-point of the bid-ask price[17] in relation to the NAV as of the time the NAV is calculated (the ''Bid-Ask Price''); (c) calculation of the premium or discount of such price against such NAV; (e) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four (4) previous calendar quarters; (f) the Prospectus; and (g) other applicable quantitative information.

The closing price and settlement prices of the futures contracts comprising the Indexes and held by the corresponding Master Funds are also readily available from the relevant futures exchanges, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters.

Criteria for Initial and Continued Listing

Each of the Funds will be subject to the criteria in Commentary .07(d) of Amex Rule 1202 for initial and continued listing of their respective Shares. The Exchange states that it will comply with the initial listing criteria set forth in Amex Rule 1002(a)(ii) which states that the Exchange will obtain a representation for each series of Portfolio Depositary Receipts that the NAV per share will be calculated daily and will be made available to all market participants at the same time.[18]

The continued listing criteria provides for the delisting or removal from listing of the Shares under any of the following circumstances:

- Following the initial twelve month period from the date of commencement of trading of the Shares: (i) If the Fund has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of the related Shares for 30 or more consecutive trading days; (ii) if the Fund has fewer than 50,000 Shares issued and outstanding; or (iii) if the market value of all Shares issued and outstanding is less than $1,000,000;
- If the value of the underlying index or portfolio is no longer calculated or available on at least a 15-second delayed basis through one or more major market data vendors during the time the Shares trade on the Exchange;[19]
- The Indicative Fund Value is no longer made available on at least a 15-second delayed basis during the time the Shares trade on the Exchange;
- If a substitute index or other replacement benchmark is used in connection with the Shares, unless the Exchange files with the Commission a related proposed rule change pursuant to Rule 19b–4 under the Act seeking approval to continue trading the Shares of such Fund and such rule change is approved by the Commission;[20] or
- If such other event shall occur or condition exists which in the opinion of the Exchange makes further dealings on the Exchange inadvisable.

For each Fund, a minimum of 200,000 Shares will be required to be outstanding at the time of commencement of trading on the Exchange.[21] The initial price of a Share is expected to be approximately $25.

The Exchange believes that the anticipated minimum number of Shares of each of the Funds outstanding at the start of trading is sufficient to provide adequate market liquidity and to further the objectives of the respective Funds.

The Exchange represents that, for the initial and continued listing, the Shares must be in compliance with Section 803 of the Amex Company Guide and Rule 10A–3 under the Act.

Trading Rules

The Exchange represents that the Shares are equity securities subject to Amex Rules governing the trading of equity securities, including, among others, rules governing priority, parity and precedence of orders, specialist responsibilities, account opening, and customer suitability (Amex Rule 411). Initial equity margin requirements of 50% will apply to transactions in the Shares. Shares will trade on the Amex from 9:30 a.m. until 4:15 p.m. ET each business day and will trade in a minimum price variation of $0.01 pursuant to Amex Rule 127.

Importantly, specialist trading of the Shares will be subject to Amex Rule 1202 regarding conflicts of interest and the maintenance of books and records. Commentary .07(e) to Amex Rule 1202 prohibits the specialist in the Shares from acting as or being affiliated with a market maker in the Index commodities, related futures or options on futures, or any other related derivatives, unless information barriers are in place that satisfy the requirements of Amex Rule 193. Commentary .07(g)(1) and (g)(2) to Amex Rule 1202 also ensures that specialists handling the Shares provide the Exchange with all the necessary information relating to their trading in physical assets or commodities, related futures contracts and options thereon or any other derivative. Commentary .07(g)(3) to Amex Rule 1202 also prohibits the specialist in the Shares from using any material nonpublic

[15] A list of trading hours for each of the Index commodities underlying the futures contracts was included in Amex's proposal. *See* Notice, *supra* note 3, 71 FR at 67943.

[16] The Exchange states that between 9:30 a.m. (when trading begins on the Amex) to 10:00 a.m. (when the oil futures open at the NYMEX), the Index Sponsor calculates relevant Indicative Fund Values based on prices obtained from Reuters. *See* Amendment No. 3.

[17] The bid-ask price of Shares is determined using the highest bid and lowest offer as of the time of calculation of the NAV.

[18] *See* Amendment No. 3.

[19] In calculating the Indexes, if futures prices are not available, the Index Sponsor will typically use the prior day's futures prices. In exceptional cases (such as when a daily price limit is reached on a futures exchange), the Index Sponsor may employ a ''fair value'' price (*i.e.*, the price for unwinding the futures position by OTC dealers). The Exchange represents that if the use of a prior day's price or ''fair value'' pricing for an Index commodity or commodities is more than of a temporary nature, the Exchange will submit a proposed rule change pursuant to Rule 19b–4 under the Act seeking Commission approval to continue to trade the Shares of a Fund. Unless approved for continued trading, the Exchange would commence delisting procedures.

[20] *See* Amendment No. 4.

[21] *See* Amendment No. 3.

information received from any person associated with a member, member organization or employee of such person regarding trading by such person or employee in the Index commodities, related futures or options on futures, or any other related derivatives.

Also, pursuant to Commentary .07(f) to Amex Rule 1202, the Shares will generally be subject to the Exchange's stabilization rule, Amex Rule 170, except that specialists may buy on ''plus ticks'' and sell on ''minus ticks,'' in order to bring the Shares into parity with the underlying commodity or commodities and/or futures contract price. Pursuant to Commentary .05 to Amex Rule 190, specialist transactions of the Shares made in connection with the creation and redemption of Shares will not be subject to the prohibitions of Amex Rule 190. The Shares will not be subject to the short sale rule pursuant to no-action relief granted in petition to Rule 10a–1 under the Act.[22]

Trading Halts

Prior to the commencement of trading, the Exchange will issue an Information Circular (described below) to members informing them of, among other things, Exchange policies regarding trading halts in the Shares. First, the circular will advise that trading will be halted in the event the market volatility trading halt parameters set forth in Amex Rule 117 have been reached. Second, the circular will advise that, in addition to the parameters set forth in Amex Rule 117, the Exchange will halt trading in any of the Shares if trading in the underlying related futures contract(s) is halted or suspended. Third, with respect to a halt in trading that is not specified above, the Exchange may also consider other relevant factors and the existence of unusual conditions or circumstances that may be detrimental to the maintenance of a fair and orderly market.

The Exchange will halt trading in the Shares of a Fund if (a) the NAV per share is not disseminated to all market participants at the same time, (b) trading in the underlying related futures contract(s) is halted or suspended, (c) the value of the underlying Index is no longer calculated or available on at least a fifteen (15) second basis through one or more major market data vendors during the time the Shares trade on the Amex, or (d) if the Indicative Fund Value per Share updated every fifteen (15) seconds is no longer calculated or available. However, in the case of (c) or (d), above, where an Indicative Fund Value or Index Value is no longer calculated or disseminated as required, the Exchange may halt trading during the day in which the interruption occurs. If such interruption to the calculation and dissemination of an Indicative Fund Value or Index Value persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

Information Circular

The Amex will distribute an Information Circular to its members in connection with the trading of the Shares. Specifically, the Circular, among other things, will discuss what the Shares are, special characteristics and risks of trading this type of security, the requirement that members and member firms deliver a prospectus to investors purchasing the Shares prior to or concurrently with the confirmation of a transaction, applicable Amex rules and trading hours, and dissemination of pricing and other information pertinent to the Shares. The Circular will explain that the Funds are subject to various fees and expenses described in the Registration Statement. The Circular will also reference the fact that the CFTC has regulatory jurisdiction over the trading of futures contracts.

The Circular will also notify members and member organizations about the procedures for purchases and redemptions of Shares in Baskets, and that Shares are not individually redeemable but are redeemable only in one or more Baskets. The Circular will advise members of their suitability obligations with respect to recommended transactions to customers in the Shares. The Circular will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

Surveillance

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Shares and to deter and detect violations of Exchange rules. Specifically, the Exchange will rely on its existing surveillance procedures applicable to TIRs, Portfolio Depository Receipts and Index Fund Shares, which have been deemed adequate under the Act. The Exchange currently has in place an Comprehensive Surveillance Sharing Agreement ICE Futures, LME, and NYMEX, for the purpose of providing information in connection with trading in or related to futures contracts traded on their respective exchanges comprising the Indexes. The Exchange also notes that the CBOT and NYBOT are members of the Intermarket Surveillance Group (''ISG'').

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether Amendments No. 3 and 4 to 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 at *http://www.sec.gov/rules/sro.shtml* or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–Amex–2006–76 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–Amex–2006–76. 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 Amendments No. 3 and 4 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. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. 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 No. SR–Amex–2006–76 and should be submitted on or before January 29, 2007.

[22] *See* letter to George T. Simon, Esq., Foley & Lardner LLP, from Racquel L. Russell, Branch Chief, Office of Trading Practices and Processing, Division of Market Regulation, (''Division''), Commission, dated July 21, 2006.

IV. Discussion and Commission's Findings

After careful consideration, 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.[23] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[24] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

A. Surveillance

The Commission notes that the Exchange has represented that its surveillance procedures for the Shares are adequate to monitor the trading of the Shares. The Exchange's Comprehensive Surveillance Sharing Agreement with the ICE Futures, LME, and NYMEX, for the purpose of providing information in connection with trading in or related to futures contracts traded on their respective exchanges comprising the Indexes and membership in the Intermarket Surveillance Group (''ISG'') creates the basis for the Amex to monitor fraudulent and manipulative practices in the trading of the Shares.

In addition, the Exchange represents that, in the event that a successor or substitute index is used by the Managing Owner, or the Index Sponsor substantially changes either the Index component selection methodology or the weighting methodology, Amex will file with the Commission a proposed rule change, which addresses, among other things, applicable surveillance procedures, and unless approved by the Commission, the Exchange will commence delisting of the Shares.

Moreover, Amex Rule 1202 should facilitate surveillance of trading of the Shares because it requires Exchange specialists, upon Amex's request, to provide the Exchange with information that the specialist uses in connection with pricing and trading the Shares. In particular, Commentaries .07(g)(1) and (g)(2) to Amex Rule 1202 require that the specialist handling the Shares provide the Exchange with information relating to its trading in the Shares and the accounts of the member organization acting as specialist, member organization, or approved person of such member organization in the Index components, related futures or options on futures, or any other related derivatives.

B. Dissemination of Information

The Commission believes that sufficient venues exist for obtaining reliable information so that investors in the Shares should be able to monitor the underlying Indexes relative to the Indicative Values of their Shares.

Real-time information is available about the trading of relevant futures contracts through major market data vendors by subscription. Delayed information is often publicly available from futures exchanges. The Exchange stated that the daily settlement prices for the futures contracts held by each of the Master Funds are publicly available on the Web sites of the futures exchanges trading those contracts.

The Exchange has represented that the Index Sponsor, Deutsche Bank AG London, will calculate and publish the value of the Indexes at least every 15 seconds during Amex trading hours to Bloomberg, Reuters, and the Index Sponsor's Internet Web site, *http://index.db.com*. While the Index is calculated and disseminated by the Index Sponsor, an affiliate of a registered broker-dealer, the Commission notes that a number of independent sources may verify both the intraday and closing Index values.

Additionally, the Exchange has represented that it will calculate and publish to the CTA the Indicative Fund Values for the Shares, at least every 15 seconds during the time that the Shares trade on the Amex. The Commission believes that dissemination of the Indicative Fund Values provides additional information that is not otherwise available to the public and is useful to professionals and investors in connection with the Shares trading on the Exchange or the creation or redemption of the Shares. The Commission believes that publication of such information should promote transparency with regard to the Shares.

The Commission further notes that the NAV of each Fund will be calculated and disseminated daily on a per share basis and made available to all market participants at the same time. If not, the Exchange has represented that it will halt trading of the relevant series of Shares. Likewise, if trading in a futures contract included in an Index is halted or suspended, the Exchange will halt trading of the relevant series of Shares. If an Indicative Fund Value or Index Value is not disseminated as described in its proposal, the Exchange may halt trading of the relevant series of Shares during the day in which the interruption occurs. If such interruption to the calculation and dissemination of an Indicative Fund Value or Index Value persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

The Commission believes that these trading halt rules, together with the NAV dissemination requirements and the Exchange's delisting criteria, will help ensure that an appropriate level of transparency exists with respect to the proposed Shares to allow for the maintenance of fair and orderly markets.

C. Listing and Trading

The Commission finds that the Exchange's proposed rules and procedures for the listing and trading of the proposed Shares are consistent with the Act. Shares will trade as equity securities subject to Amex rules including, among others, rules governing priority, parity and precedence of orders, specialist responsibilities and prohibitions, account opening, and customer suitability requirements.[25] Notably, the Commission believes that the listing and delisting criteria for the Shares should provide a minimum level of liquidity and, therefore, minimize the potential for manipulation of the Shares. The Commission further believes that Commentary .07 to Amex Rule 1202 is reasonably designed to address potential conflicts of interest in connection with specialist trading of the Shares and help ensure that the Exchange has the information it needs with regard to transactions in the Shares.[26]

The Commission notes that the Information Circular the Exchange will distribute will inform members and member organizations about the terms, characteristics and risks in trading the Shares, including their prospectus delivery obligations.

[23] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78f(b)(5).

[25] The Commission notes that these Funds are substantially similar to other Funds recently approved by the Commission, the share of which shares are trading pursuant to this Commentary .07 to Amex Rule 1202. *See* Securities Exchange Act Release Nos. 53105 (January 11, 2006), 71 FR 3129 (January 19, 2006) (SR–Amex–2005–059) (DB Commodity Index Tracking Fund); 54450 (September 14, 2006), 71 FR 55230 (September 21, 2006) (SR–Amex–2006–44) (PowerShares DB G10 Harvest Fund (formerly the DB Currency Index Value Fund).

[26] *See* Commentaries .07(e), 07(g)(3), and .07(g)(1)–(2) to Amex Rule 1202.

D. Accelerated Approval of the Proposed Rule Change as Modified by Amendments No. 3 and 4 Thereto

The Commission finds good cause to approve the proposed rule change as modified by Amendments No. 3 and 4 prior to the 30th day after the amendment is published for comment in the **Federal Register**. Amendments No. 3 and 4 makes clarifying changes to the description of the proposed rule change. The Commission believes that, as a whole, Amendments No. 3 and 4 strengthen the proposed rule change and do not raise any new regulatory issues. Therefore, the Commission finds good cause, consistent with section 19(b)(2) of the Act,[27] to approve the proposal, as amended, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[28] that the proposed rule change (SR–Amex–2006–76), as modified by Amendments No. 1, 2, 3, and 4 be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[29]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E7–16 Filed 1–5–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55015; File No. SR–BSE–2006–55]

Self-Regulatory Organizations; Boston Stock Exchange, Inc; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto Relating to the Definition of Complex Trade as Applied to Trades Through the Intermarket Linkage

December 28, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 13, 2006, the Boston Stock Exchange, Inc (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The BSE filed Amendment No. 1 to the proposal on December 27, 2006. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE proposes to amend Chapter XII, Section 1(c) of the rules of the Boston Options Exchange (''BOX'') to revise the definition of ''Complex Trade'' as such definition applies to trades through the Intermarket Linkage (''Linkage''). The text of the proposed rule change appears below, with additions *italicized* and deletions in [brackets]:

Chapter XII. Intermarket Linkage Rules

Sec. 1 Definitions

The following terms shall have the meaning specified in this Section 1 solely for the purpose of this Chapter XII:

(a)–(b) No Change.

(c) ''Complex Trade'' means the execution of an order in an options series in conjunction with the execution of one or more related orders in different options series in the same underlying security occurring at or near the same time *for the purpose of executing a particular investment strategy and for an equivalent number of contracts, provided that the number of contracts of the legs of a spread, straddle, or combination order may differ by a permissible ratio* [for the equivalent number of contracts and for the purpose of executing a particular investment strategy]. *The permissible ratio for this purpose is any ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00).*

(d)–(s) No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has substantially prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This proposed rule change will amend the definition of ''Complex Trade'' in Chapter XII, Section 1(c) of the BOX Rules. For Linkage purposes, the BOX Rules define a ''Complex Trade'' as a trade reflecting the execution of an order in an options series in conjunction with one or more other orders in different series in the same underlying security ''for the equivalent number of contracts.'' A Complex Trade is exempt from the trade-through rule.[3]

In contrast to the Linkage definition of ''Complex Trade,'' Chapter V, Section 27(a) of the BOX Rules defines ''complex orders'' for other purposes on the Exchange. This definition includes ''Ratio Orders,'' which do not require that there be an equivalent number of contracts in the orders.[4] Specifically, the rule permits ratios that are equal to or greater than one-to-two. The Exchange applies modified priority rules to complex orders.

According to the BSE, the proposed rule change will conform the Linkage definition of Complex Trade to BOX's general definition of the concept. The BSE represents that the other five options exchanges are adopting a similar definition, which will result in uniform application of the term across all options exchanges. The BSE believes that such uniformity will facilitate the speedy execution of complex trades on all markets.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(5) of the Act[5] that the rules of a national securities 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 market system, and, in general, to protect investors and the public interest. In particular, the BSE believes that the proposed rule change will make BOX's Linkage Rules consistent with BOX's internal market rules and will facilitate the trading of complex orders.[6]

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[27] 15 U.S.C. 78s(b)(2).

[28] 15 U.S.C. 78s(b)(2).

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Box Rules, Chapter XII, Section 3(b)(vii).

[4] *See* Box Rules, Chapter V, Section 27(a)(vi).

[5] 15 U.S.C. 78f(b)(5).

[6] *See* Amendment No. 1.

B. Self-Regulatory Organization's Statement on Burden on Competition

The BSE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The BSE has neither solicited nor received 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 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 No. SR–BSE–2006–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BSE–2006–55. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. 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–BSE–2006–55 and should be submitted on or before January 29, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22661 Filed 1–5–07; 8:45 am]

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[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55025; File No. SR–CBOE–2006–96]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change Regarding Allocation of Stocks to CBSX DPMs

December 29, 2006.

I. Introduction

On November 20, 2006, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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–4 thereunder,[2] a proposal relating to the allocation of stocks for the CBOE Stock Exchange (''CBSX''). The proposal was published for comment in the **Federal Register** on November 27, 2006.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

The purpose of this filing is to adopt rules that would allow for the allocation of stocks to CBSX DPMs.

The Exchange has represented that it intends to submit a proposal to modify Chapters 50–55 of its rules, which govern the trading of non-option securities on the Exchange,[4] in connection with the establishment of CBSX (the ''CBSX Trading Rules Proposal''). In addition, the Exchange has proposed rules to establish CBSX as a facility of the Exchange (the ''CBSX Facility Proposal'').[5] If the Commission approves these proposals, CBSX would be a facility of the Exchange and would serve as the Exchange's vehicle for trading non-option securities. In addition, the Exchange has filed for immediate effectiveness a proposal to appoint CBSX DPMs (the ''CBSX DPM Appointment Proposal'').[6] Any appointments under the CBSX DPM Appointment Proposal and any allocations made to such DPMs under this proposal would be contingent on Commission approval of the CBSX Trading Rules Proposal—in particular, those rules governing DPM trading procedures and obligations on CBSX—and the CBSX Facility Proposal.

Initial CBSX DPM stock allocations would be handled pursuant to proposed CBOE Rule 53.54. For the initial launch, and potentially in instances where CBSX seeks to commence trading a number of new securities at one time, CBSX would conduct a ''draft'' for eligible CBSX DPMs to select available stocks. The draft order would be determined randomly. In connection with the initial launch, the draft would apply to the first 500 securities selected.[7] The remaining securities slated for trading on CBSX would be allocated randomly by CBSX to the CBSX DPMs equally.

CBSX would utilize proposed CBOE Rule 53.54 for future stock allocations as well. In those cases, a draft could be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 54792 (November 20, 2006), 71 FR 68659.

[4] *See* Securities Exchange Act Release No. 54422 (September 11, 2006), 71 FR 54537 (September 15, 2006) (approving SR–CBOE–2004–21). *See also* Securities Exchange Act Release No. 54526 (September 27, 2006), 71 FR 58646 (October 4, 2006) (approving SR–CBOE–2006–70).

[5] *See* SR–CBOE–2006–110 (filed December 26, 2006).

[6] *See* Securities Exchange Act Release No. 54831 (November 29, 2006), 71 FR 70814 (December 6, 2006) (notice of filing and immediate effectiveness of SR–CBOE–2006–100).

[7] Telephone conversation between Angelo Evangelou, Assistant General Counsel, CBOE, and Nathan Saunders, Special Counsel, Division of Market Regulation, Commission, November 20, 2006.

employed or CBSX could allocate the stocks based on any one or more of the following: Performance, volume, capacity, market performance commitments, operational factors, efficiency, competitiveness, expressed preferences of issuers, and the best interest of CBSX.

The Exchange is seeking to launch trading on CBSX on February 5, 2007. The Exchange has stated that allocating stocks to CBSX DPMs ahead of the launch date would allow it and the CBSX DPMs to be prepared to commence trading on CBSX immediately if and when the Commission approves the CBSX Trading Rules Proposal and the CBSX Facility Proposal.

III. Discussion

After careful review, 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.[8] In particular, the Commission believes that the proposal is consistent with the requirements of Section 6(b)(5) of the Act,[9] in that it has been designed to promote just and equitable principles of trade, to protect investors and the public interest, and is not designed to permit unfair discrimination between CBSX DPMs.

The Commission believes that the CBOE's proposal to employ a randomly-set draft rotation for allocating non-option securities is reasonably designed to promote just and equitable principles of trade and to avoid unfair discrimination. Moreover, the Commission believes that the additional proposed criteria for allocating non-option securities to CBSX DPMs when a draft is not appropriate are reasonable and consistent with the Act. These additional criteria are similar to the options allocation criteria set forth in CBOE Rule 8.95(a) and (b), which the Commission has previously approved.[10]

The Commission notes that all allocations of securities to CBSX DPMs under this proposal are contingent on Commission approval of the CBSX Trading Rules Proposal and the CBSX Facility Proposal. Moreover, in approving CBOE's proposal to establish rules for allocating stocks on CBSX, the Commission is not prejudging CBOE's other pending proposals relating to CBSX. If the Commission were not to approve the CBSX Trading Rules Proposal and the CBSX Facility Proposal, any allocations made pursuant to this proposal would be meaningless. Approving the CBSX allocation rules does, however, afford CBOE an opportunity to prepare for the possibility that the Commission will approve the CBSX Trading Rules Proposal and the CBSX Facility Proposal, and would reduce the time between any such approvals and the commencement of trading on CBSX.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (File No. SR–CBOE–2006–96) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15 Filed 1–5–07; 8:45 am]

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[8] 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).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* Securities Exchange Act Release No. 39879 (April 16, 1998), 63 FR 20227 (April 23, 1998) (order approving SR–CBOE–98–03). Several of the factors that CBSX may consider in the allocation process are adopted from CBOE Rule 8.95: performance, volume, capacity, market performance commitments, operational factors, efficiency, competitiveness, and expressed preferences of issuers. The Commission believes that these criteria should be used by CBOE solely for the purpose of allocating non-option securities to CBSX DPMs. The Commission emphasizes that CBOE should not use the proposed criteria—especially the ''market performance commitments'' and ''best interest of CBSX'' criteria—to directly or indirectly attempt to restrict a market participant that is appointed as a CBSX DPM from performing market-making or specialist activities on other markets.

[11] *Id.*

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54979; File No. SR–NFA–2006–05]

Self-Regulatory Organization; National Futures Association; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change and Amendment No. 1 Thereto Relating to the Interpretive Notice Regarding Automated Order-Routing Systems

December 20, 2006.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–7 under the Act,[2] notice is hereby given that on December 4, 2006, National Futures Association (''NFA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been substantially prepared by NFA. On December 14, 2006, NFA submitted an amendment to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons. NFA also has filed the proposed rule change with the Commodity Futures Trading Commission (''CFTC'').

NFA, on November 30, 2006, submitted the proposed rule change to the CFTC for approval and invoked the ''ten-day'' provision of Section 17(j) of the Commodity Exchange Act (''CEA'').[4] By letter dated December 12, 2006, the CFTC notified NFA of its determination not to review the proposed rule change.[5]

I. Self-Regulatory Organization's Description of the Proposed Rule Change

Section 15A(k) of the Act[6] makes NFA a national securities association for the limited purpose of regulating the activities of NFA members (''Members'') who are registered as brokers or dealers in security futures products under Section 15(b)(11) of the Act.[7] NFA's interpretive notice entitled ''Compliance Rule 2–9: Supervision of the Use of Automated Order-Routing Systems'' (''Interpretive Notice'') applies to all futures commission merchant and introducing broker Members, including those who are registered as security futures brokers or dealers under Section 15(b)(11).[8]

In 2002, NFA adopted the Interpretive Notice, which referred Members to an AICPA/CICA WebTrust℠/™ Self-Assessment Questionnaire for Availability and stated that they could download the questionnaire from NFA's Web site. The questionnaire is not available on NFA's Web site. Therefore, the AORS Interpretive Notice is amended to delete the paragraph referencing the WebTrust℠/™ Self-Assessment Questionnaire for Availability.

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] *See* facsimile from Thomas W. Sexton, General Counsel, NFA, to Elizabeth King, Associate Director, Division of Market Regulation, Commission, dated December 14, 2006 (''Amendment No. 1''). In Amendment No. 1, NFA replaced Exhibit 4, which was incomplete in the original filing.

[4] 7 U.S.C. 21(j).

[5] *See* Letter from Lawrence B. Patent, Deputy Director, CFTC, to Thomas W. Sexton, General Counsel, NFA (December 12, 2006) (''Letter'').

[6] 15 U.S.C. 78o–3(k).

[7] 15 U.S.C. 78o(b)(11).

[8] *Id.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NFA has prepared statements concerning the purpose of, and basis for, the proposed rule change, burdens on competition, and comments received from members, participants, and others. The text of these statements may be examined at the places specified in Item IV below. NFA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2002, NFA adopted the Interpretative Notice, which referred Members to an AICPA/CICA WebTrust℠™ Self-Assessment Questionnaire for Availability and stated that they could download the questionnaire from NFA's Web site. At the time the Interpretative Notice was adopted, NFA knew that the questionnaire was copyrighted but was in discussions with AICPA/CICA and believed that it would give NFA permission to use the material in this manner.

AICPA/CICA subsequently informed NFA that it had decided not to allow NFA to use the questionnaire as described in the Interpretive Notice. Although the questionnaire is not available on NFA's Web site, NFA never removed the reference in the Interpretative Notice. Therefore, the Interpretive Notice is amended to delete the paragraph referencing the WebTrust℠™ Self-Assessment Questionnaire for Availability.

2. Statutory Basis

The rule change is authorized by, and consistent with, Section 15A(k) of the Act.[9]

B. Self-Regulatory Organization's Statement on Burden on Competition

The rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act and the CEA.

[9] 15 U.S.C. 78o–3(k).

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants, or Others

NFA did not publish the rule change to the membership for comment. NFA did not receive comment letters concerning the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

NFA, on November 30, 2006, submitted the proposed rule change to the CFTC for approval and invoked the ''ten-day'' provision of Section 17(j) of the CEA.[10] By letter dated December 12, 2006, the CFTC notified NFA of its determination not to review the proposed rule change.[11]

Within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[12]

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 Filed No. SR–NFA–2006–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NFA–2006–05. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NFA. 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 No. SR–NFA–2006–05 and should be submitted on or before January 29, 2007.

[10] 7 U.S.C. 21(j).

[11] *See* Letter, *supra* note 5.

[12] 15 U.S.C. 78s(b)(1).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22657 Filed 1–5–07; 8:45 am]

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[13] 17 CFR 200.30–3(a)(75).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55026; File No. SR–NYSE–2006–120]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Regarding Proposed Combination Between NYSE Group, Inc. and Euronext N.V.

December 29, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended, (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 29, 2006, the New York Stock Exchange LLC (''NYSE'' 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 substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(l).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, a New York limited liability company, registered national securities exchange and self-regulatory organization is submitting this rule filing (the ''Proposed Rule Change'') to the SEC in connection with the proposed business combination (the ''Combination'') of NYSE Group, Inc., a Delaware corporation (''NYSE Group''), with Euronext N.V., a company organized under the laws of The Netherlands (''Euronext''). As a result of the Combination, the businesses of NYSE Group (including that of the Exchange and NYSE Arca, Inc., a Delaware corporation, registered national securities exchange and self-regulatory organization (''NYSE Arca'')) and Euronext will be held under a single, publicly traded holding company named NYSE Euronext, a Delaware corporation (''NYSE Euronext''). Following the Combination, each of NYSE Group and Euronext (or a successor Dutch holding company) will be a separate subsidiary of NYSE Euronext, and their respective businesses and assets will continue to be held as they are currently held (subject to any post-closing reorganization of Euronext). A core aspect of the structure of the Combination is continued local regulation of the marketplaces. Accordingly, the Combination is premised on the notion that companies listing their securities only on markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws (including, without limitation, the Sarbanes-Oxley Act of 2002) or regulation by the SEC as a result of the Combination, and that companies listing their securities only on the Exchange or NYSE Arca, will not become newly subject to European rules or regulation as a result of the Combination. In addition, ''members'' and ''member organizations'' (each as defined in the rules of the Exchange) of the Exchange, ''ETP holders'' and ''Authorized Traders'' (each as defined in the Rules of NYSE Arca Equities) of NYSE Arca Equities, Inc. (''NYSE Arca Equities''), and ''OTP Firms'' and ''OTP Holders'' (each as defined in the Rules of NYSE Arca) of NYSE Arca, in each case trading only on markets operated by the Exchange or NYSE Arca will not become newly subject to European rules or regulations as a result of the Combination, and members of the markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination. The Proposed Rule Change, if approved by the SEC, will not be operative until the consummation of the Combination.

Other than as described herein, NYSE Euronext will not be seeking to make any changes to the regulated activities of NYSE Group and its subsidiaries in connection with the Combination. If NYSE Euronext determines to make any such changes, it will seek SEC approval to the extent required.

The Exchange proposes that the organizational documents of NYSE Euronext, NYSE Group,[3] the Exchange, NYSE Market, Inc. and NYSE Regulation, Inc. be revised to reflect the Combination, and that such organizational documents become operative upon consummation of the Combination. In addition, the Exchange proposes various amendments to its rules (as such rules may be in effect from time to time, the ''Exchange Rules'') to reflect the Combination.

The text of the Proposed Rule Change is available at the NYSE, the Commission's Public Reference Room, and on the Exchange's Web site (*http://www.nyse.com*). The text of Exhibits 5A through 5M of the Proposed Rule Change are also available on the Exchange's Web site and on the Commission's Web site (*http://www.sec.gov/rules/sro.shtml*).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[3] Upon the consummation of the Combination, NYSE Group will be merged with and into Jefferson Merger Sub, Inc. and the name of Jefferson Merger Sub, Inc. will be changed to NYSE Group, Inc. The changes to the NYSE Group organizational documents refer to changes from the current NYSE Group organizational documents. Technically, however, the Amended and Restated Certificate of Incorporation and Amended and Restated Bylaws of NYSE Group that will be operative upon the consummation of the Combination will be amended and restated forms of the Certificate of Incorporation and Bylaws of Jefferson Merger Sub, Inc.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange, a New York limited liability company, registered national securities exchange and self-regulatory organization, is submitting this Proposed Rule Change to the SEC in connection with the Combination of NYSE Group with Euronext. As a result of the Combination, the businesses of NYSE Group (including that of the Exchange and NYSE Arca and Euronext will be held under a single, publicly traded holding company named NYSE Euronext. Following the Combination, each of NYSE Group and Euronext (or a successor Dutch holding company) will be a separate subsidiary of NYSE Euronext, and their respective businesses and assets will continue to be held as they are currently held (subject, in the case of Euronext, to any Post-Closing Reorganization as described in the next paragraph below). Other than as described herein, NYSE Euronext will not be seeking to make any changes to the regulated activities of NYSE Group, Euronext or their respective subsidiaries in connection with the Combination. If NYSE Euronext determines to make any such changes to the regulated activities of NYSE Group or its subsidiaries, it will seek approval of the SEC to the extent required. If NYSE Euronext determines to make any changes to the regulated activities of Euronext or its subsidiaries in connection with the Combination, it will seek approval of the applicable European Regulators (as defined below) to the extent required. The Proposed Rule Change, if approved by the SEC, will not be operative until the consummation of the Combination.

The Combination will occur pursuant to the terms of the Combination Agreement, dated as of June 1, 2006, as amended and restated as of November 24, 2006 (as may be amended from time to time, the ''Combination Agreement''), by and among NYSE Group, Euronext, NYSE Euronext and Jefferson Merger Sub, Inc., a Delaware corporation and newly formed wholly owned subsidiary of NYSE Euronext (''Merger Sub''). Subject to the terms and conditions set forth in the Combination Agreement and in compliance with applicable law, NYSE Euronext will commence an offer to acquire all of the outstanding ordinary shares of Euronext for a combination of NYSE Euronext common stock and cash (the ''Exchange Offer''). Upon successful completion of the

Exchange Offer,[4] NYSE Group will merge with Merger Sub (the ''Merger''), and the surviving entity will be a wholly owned subsidiary of NYSE Euronext. NYSE Euronext intends, simultaneously with or as soon as possible after the completion of the Merger and assuming approval by the necessary vote of Euronext shareholders, to effect a corporate reorganization of Euronext and/or its subsidiaries (the ''Post-Closing Reorganization'') intended to result in Euronext becoming a wholly owned subsidiary of NYSE Euronext. The Post-Closing Reorganization may include, but is not limited to, a compulsory acquisition by NYSE Euronext of the Euronext ordinary shares from any remaining minority shareholder in accordance with Dutch law and the rules of the French Financial Market Authority, a liquidation of Euronext, a merger of Euronext, or a combination thereof.

The Euronext shareholders and the NYSE Group stockholders voted to approve the Combination Agreement and the transactions contemplated by the Combination Agreement (including the Combination) on December 19, 2006 and December 20, 2006, respectively. The prospectus used as part of the shareholder circular in connection with obtaining the Euronext shareholder approval, the proxy statement/prospectus used in connection with obtaining the NYSE Group stockholder approval, and the prospectus that will be used in connection with the Exchange Offer for U.S. holders of Euronext ordinary shares has been filed with the SEC as part of a registration statement of NYSE Euronext on Form S–4.[5]

Other than certain modifications described herein, NYSE Group's current corporate structure and governance and the Exchange's current corporate structure, governance and self-regulatory independence and separation will be preserved. Specifically, after the Combination, NYSE Group's business and assets will continue to be structured as follows:

- The Exchange, which is registered as a national securities exchange and is a self-regulatory organization, will remain a wholly owned subsidiary of NYSE Group. As described in more detail below, the organizational documents of NYSE Group will be amended to reflect that, after the Combination, it will be an intermediate holding company.
- NYSE Market, Inc., a Delaware corporation (''NYSE Market'') will remain a wholly owned subsidiary of the Exchange and conduct the Exchange's business. NYSE Regulation, Inc., a New York Type A not-for-profit corporation (''NYSE Regulation''), will remain a wholly owned subsidiary of the Exchange, and continue to perform the regulatory responsibilities for the Exchange pursuant to a delegation agreement with the Exchange and many of the regulatory functions of NYSE Arca pursuant to a services agreement with NYSE Arca. Each of NYSE Euronext, NYSE Group, the Exchange and NYSE Market acknowledges that it is responsible for referring possible rule violations to NYSE Regulation. In addition, there will be an explicit agreement among NYSE Euronext, NYSE Group, the Exchange, NYSE Market and NYSE Regulation to provide adequate funding for NYSE Regulation, as is currently the case among the NYSE Group entities. There will be no change to the current manner of election or appointment of the directors and officers of the Exchange, NYSE Market or NYSE Regulation as a result of the Combination, except for (a) changes in certain organizational documents of the Exchange, NYSE Market and NYSE Regulation to change certain references to NYSE Group to NYSE Euronext, (b) a change to shorten the time period for member organizations to vote for ''fair representation'' candidates, (c) the addition of a requirement that a majority of the directors of each of the boards of the Exchange, NYSE Market and NYSE Regulation be U.S. Persons (defined below), (d) a change from the requirement that the NYSE Market chief executive officer be the NYSE Group chief executive officer to the requirement that the NYSE Market chief executive officer be a U.S. Person (defined below), as described herein, (e) the deletion of provisions in certain organizational documents relating to the election or appointment of directors during the transition period following the merger between New York Stock Exchange, Inc. and Archipelago Holdings, Inc. in March 2006, and (f) the addition of a requirement that if a vacancy is created on the board of directors of the Exchange, NYSE Market or NYSE Regulation, then the director chosen to fill such vacancy shall be a U.S. Person (defined below). The Combination will have no effect on the ability of any party to trade securities on NYSE Market.
- Archipelago Holdings, Inc., a Delaware corporation (''Arca Holdings''), will remain a wholly owned subsidiary of NYSE Group. NYSE Arca Holdings, Inc., a Delaware corporation (''NYSE Arca Holdings''), and NYSE Arca L.L.C., a Delaware limited liability company (''NYSE Arca LLC''), will remain wholly owned subsidiaries of Arca Holdings. NYSE Arca will remain a wholly owned subsidiary of NYSE Arca Holdings and NYSE Arca Equities, a Delaware corporation formerly known as PCX Equities, Inc., will remain a wholly owned subsidiary of NYSE Arca. NYSE Arca will continue to maintain its status as a registered national securities exchange and self-regulatory organization. Arca Holdings' businesses and assets will continue to be held by it and its subsidiaries. As noted above, pursuant to a services agreement, NYSE Regulation will perform many of the regulatory functions of NYSE Arca.
- There will be no change to the current manner of election or appointment of the directors and officers of Arca Holdings, NYSE Arca Holdings, NYSE Arca LLC, NYSE Arca or NYSE Arca Equities (or of the Euronext exchanges) as a result of the Combination. The Combination will have no effect on the ability of any party to trade securities on NYSE Arca or NYSE Arca Equities.

Similarly, Euronext and its subsidiaries will continue to operate their business and operations in substantially the same manner as they are conducted currently, with any changes subject to the approval of the European Regulators to the extent required.

A core aspect of the structure of the Combination is continued local regulation of the marketplaces. Accordingly, the Combination is premised on the notion that:

- NYSE Group and its subsidiaries will continue to be regulated by the SEC (but will not be regulated by the European Regulators unless NYSE Group and its subsidiaries engage in activities in Europe within the jurisdiction of the European Regulators), and Euronext and its subsidiaries will continue to be regulated by the European Regulators (but will not be regulated by the SEC unless Euronext and its subsidiaries engage in activities in the United States within the jurisdiction of the SEC);

[4] The successful completion of the Exchange Offer shall require that at least two-thirds of the outstanding Euronext ordinary shares shall have been tendered in the Exchange Offer; provided that, prior to filing the Exchange Offer with the French Financial Market Authority (Autorité des Marchés Financiers), NYSE Euronext shall have the right, after consultation with Euronext, to reduce this minimum condition so that it is no less than a majority of the outstanding Euronext ordinary shares.

[5] *See* NYSE Euronext Registration Statement on Form S–4, Registration No. 333–137506 (initially filed on September 21, 2006 and declared effective on November 27, 2006), as amended from time to time (the ''Registration Statement'').

• Companies listing their securities only on markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination, and companies listing their securities only on the Exchange or NYSE Arca, will not become newly subject to European rules or regulation as a result of the Combination;

• The Combination will not cause companies that currently trade only on a Euronext exchange and are not subject to the Sarbanes-Oxley Act of 2002 (the ''Sarbanes-Oxley Act'') to become subject to the Sarbanes-Oxley Act unless those companies decide to list their securities on the Exchange, NYSE Arca or another U.S. securities exchange or register the sale of their securities under the U.S. Securities Act of 1933, as amended (the ''Securities Act'') or register a class of securities under the Exchange Act [6]; and

• ''Members'' and ''member organizations'' (each as defined in the rules of the Exchange) of the Exchange, ''ETP Holders'' and ''Authorized Traders'' of NYSE Arca Equities (each as defined in the Rules of NYSE Arca Equities), and ''OTP Firms'' and ''OTP Holders'' (each as defined in the Rules of NYSE Arca) of NYSE Arca trading only on markets operated by the Exchange or NYSE Arca will not become newly subject to European rules or regulations as a result of the Combination, and members of the markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination.

Purpose of the Combination

The Combination will create a holding company, NYSE Euronext, under which the businesses of the NYSE Group and Euronext will be held.[7] The Exchange expects that, after the Combination, the combined company will have much greater flexibility and ability to respond to global competition. The combination of the businesses of the NYSE Group and Euronext under a single holding company also has the advantage of creating a diversified business model for the combined company. The Combination will leverage the best of NYSE Group's and Euronext's collective technology sourced in an efficient manner to realize expected synergies of the Combination.

Corporate Structure

NYSE Euronext

Following the Combination, NYSE Euronext will be a for-profit, publicly traded stock corporation and will act as a holding company for the businesses of the NYSE Group and Euronext. NYSE Euronext will hold all of the equity interests in NYSE Group and its subsidiaries, including the Exchange and NYSE Arca, and a majority (if not all) of the equity interests in Euronext and its respective subsidiaries. NYSE Euronext common stock will be listed on both the Exchange, trading in U.S. dollars, and Euronext Paris, trading in euros. The NYSE Euronext group's U.S. headquarters will be in New York, New York, and its international headquarters will be in Paris, France and Amsterdam, The Netherlands.

NYSE Group owns two U.S. registered national securities exchanges: The Exchange and NYSE Arca, providing marketplaces where investors buy and sell listed companies' common stock and other securities as well as equity options and securities traded on the basis of unlisted trading privileges. NYSE Regulation regulates members and member organizations of the Exchange and ETP Holders and Authorized Traders of NYSE Arca Equities and OTP Firms and OTP Holders of NYSE Arca through the enforcement of exchange rules and U.S. federal securities laws. NYSE Regulation also reviews companies listed on the NYSE and NYSE Arca to ascertain their compliance with financial and corporate governance listing standards.

Euronext owns a group of European exchanges, including trading operations on regulated and non-regulated markets for cash products in France, Belgium, The Netherlands, and Portugal and derivatives in the United Kingdom and in the four above-mentioned locations. As a result, the activities of the Euronext markets are or may be subject to the jurisdiction and authority of a number of European regulators, including the Dutch Minister of Finance, the French Minister of the Economy, the French Financial Market Authority (Autorité des Marchés Financiers), the Netherlands Authority for the Financial Markets (Autoriteit Financiele Markten), the Belgian Banking, Finance, and Insurance Commission (Commission Bancaire, Financière, et des Assurances), the French Committee of Credit Establishments and Investment Undertakings (Comité des Etablissements de Crédit et des Enterprises d'Investissement—CECEI), the Portuguese Securities Market Commission (Comissão do Mercado de Valores Mobiliários—CMVM) and the U.K. Financial Services Authority (FSA) (together with any other governmental securities regulator in any European country where NYSE Euronext or any European Market Subsidiary [8] operates a European Regulated Market and in each case only to the extent that it has authority and jurisdiction in the particular context, the ''European Regulators'').

NYSE Euronext Board of Directors

It is currently contemplated that immediately after the Combination, the NYSE Euronext board of directors will consist of 22 directors as follows:

• 11 directors will be the directors of NYSE Group as of immediately prior to the completion of the Combination (including the chief executive officer and chairman of the board of NYSE Group);

• Nine directors will be members of the supervisory board of Euronext [9] as of immediately prior to the completion of the Combination (including the chairman of the Euronext supervisory board); provided that Euronext may substitute one or more such individuals from the supervisory board with persons who are European Persons as long as such newly designated person is reasonably acceptable to NYSE Group;

• One director will be the chief executive officer of Euronext as of immediately prior to the completion of the Combination; and

• The remaining director will be Sylvain Hefes, who is a European Person (as defined below) approved by both the NYSE Group board of directors and the Euronext supervisory board.

The size of the NYSE Euronext board of directors may be changed by the NYSE Euronext board of directors pursuant to a resolution adopted by two-thirds of the directors then in office or a vote of not less than 80% of the votes entitled to be cast by the holders of the then-outstanding shares of capital stock of NYSE Euronext entitled to vote generally in the election of directors, voting together as a single class.

The proposed Amended and Restated NYSE Euronext Bylaws will provide that the NYSE Euronext board of

[6] A company is subject to the Sarbanes-Oxley Act only if (a) its securities are registered under Section 12 of the Exchange Act, (b) the company is required to file reports under Section 15(d) of the Exchange Act or (c) files or has filed a registration statement that has not yet become effective under the Securities Act, and such registration statement has not been withdrawn. *See* Section 2(a)(7) of the Sarbanes-Oxley Act.

[7] The Combination, however, will not result in an actual combination of the various exchanges owned by NYSE Group and Euronext.

[8] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VII, Section 7.3(D).

[9] The supervisory board of a Dutch company is the functional equivalent of a board of directors of a U.S. company, but is not permitted to include members of management.

directors may be composed of either: (1) An equal number of U.S. Persons and European Persons or (2) the smallest possible majority of U.S. Persons and the largest possible minority of European Persons. Specifically, in any election of directors, the nominees whom shall be elected to the NYSE Euronext board of directors shall be nominees who receive the highest number of votes such that, immediately after such election, (1) U.S. Persons as of such election shall constitute at least half of, and no more than the smallest number of directors that will constitute a majority of, the directors on the NYSE Euronext board of directors and (2) European Persons as of such election shall constitute the remainder of the directors on the NYSE Euronext board of directors.[10]

The initial NYSE Euronext board of directors will contain an equal number of U.S. Persons and European Persons, and this parity will be maintained unless the nominating and governance committee and the board of directors of NYSE Euronext, both equally composed of U.S. Persons and European Persons, decide otherwise or unless the Amended and Restated NYSE Euronext bylaws are amended by a supermajority vote.

For purposes of the proposed Amended and Restated NYSE Euronext Bylaws:

- A ''European Person'' shall mean, as of the date of his or her most recent election or appointment as a director, any person whose domicile as of such date is and for the immediately preceding twenty-four (24) months shall have been a country in Europe; [11]
- A ''U.S. Person'' shall mean, as of the date of his or her most recent election or appointment as a director any person whose domicile as of such date is and for the immediately preceding twenty-four (24) months shall have been the United States; [12] and
- ''Europe'' shall mean: (1) Any and all of the jurisdictions in which Euronext or any of its subsidiaries operates a European regulated market; (2) any member state of the European Economic Area as of the Effective Time (as defined in the Combination Agreement) and any state that becomes a member of the European Economic Area after the Effective Time (as defined in the Combination Agreement); and (3) Switzerland.[13]

The initial term of directors will end with the first annual stockholders meeting to be held by NYSE Euronext, at which meeting the existing directors of NYSE Euronext will be renominated as directors of NYSE Euronext. Thereafter, the directors will serve one-year terms. Nominees to the NYSE Euronext board of directors will be nominated by the nominating and governance committee of the NYSE Euronext board of directors, which committee shall be comprised of an equal number of European Persons and U.S. Persons.

The proposed Amended and Restated NYSE Euronext Bylaws will also provide that either (1) the chairman of the board shall be a U.S. Person and the chief executive officer shall be a European Person or (2) the chairman of the board shall be a European Person and the chief executive officer shall be a U.S. Person.[14] Accordingly, the offices of the chairman and chief executive officer of NYSE Euronext may not be occupied simultaneously by the same person. The chief executive officer and deputy chief executive officer may be, but are not required to be, members of the board of directors of NYSE Euronext. A director may serve for any number of terms, consecutive or otherwise. Directors need not be stockholders of NYSE Euronext.

Under Section 3.4 of the proposed Amended and Restated NYSE Euronext Bylaws, all members of the NYSE Euronext board of directors (other than the chief executive officer and deputy chief executive officer of NYSE Euronext if they are members of the board of directors) must satisfy the independence requirements set forth in NYSE Euronext's director independence policy, as amended from time to time.[15]

The independence policy of the NYSE Euronext board of directors will be substantially similar to the current SEC-approved independence policy of the NYSE Group board of directors,[16] except that:

- The deputy chief executive officer, in addition to the chief executive officer, may serve as a director of NYSE Euronext;
- With respect to broker-dealers that are not members of the Exchange or NYSE Arca, the independence policy only applies to broker-dealers registered under the Exchange Act or persons employed or affiliated with such broker-dealers, including European affiliates (but not purely non-U.S. broker-dealers);
- The independence policy does not per se prohibit executive officers of Exchange-listed and NYSE Arca-listed companies that are ''foreign private issuers'' (as defined under Rule 3b–4 under the Exchange Act) from serving as independent directors of NYSE Euronext; and
- There will be a transition period so that the independence requirements of the NYSE Euronext director independence policy will not apply to the European Persons on the NYSE Euronext board of directors until the annual meeting of NYSE Euronext stockholders in 2008.[17]

Specifically, under the director independence policy, each member of the NYSE Euronext board of directors, other than the chief executive officer and deputy chief executive officer of NYSE Euronext, will be required to be independent from (1) NYSE Euronext and its subsidiaries (including NYSE Group, Euronext and their respective subsidiaries), (2) any members or member organizations of the Exchange, NYSE Arca, or NYSE Arca Equities,[18]

[10] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article III, Section 3.2(A).

[11] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article III, Section 3.2(A).

[12] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article III, Section 3.2(A).

[13] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VII, Section 7.3(F).

[14] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article III, Section 3.3.

[15] The chief executive officer and deputy chief executive officer, if they are members of the board of directors, will be recused from any act of the board of directors, whether it is acting as the board of directors or as a committee of the board, with respect to any act of any board committee that is required to be comprised solely of independent directors. *See* proposed Amended and Restated NYSE Euronext Bylaws, Article III, Section 3.4. To clarify and continue NYSE Group board's current practice of soliciting the input of NYSE Group management for certain board and committee matters, the Exchange proposes to use the word ''acts'' instead of the word ''deliberations'' and ''acts'' instead of the word ''activities'' (each of which are currently used in the Amended and Restated Bylaws of NYSE Group). This same clarification to board practice will also be made to the current Bylaws of NYSE Market and the current Amended and Restated Bylaws of NYSE Regulation.

[16] *See* Securities Exchange Act Release No. 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006).

[17] Unlike the members of the NYSE Group board of directors, currently the Euronext supervisory board members are not subject to an independence policy similar to the proposed independence policy of NYSE Euronext. It is important that the former Euronext Supervisory Board members be permitted to serve on the initial Board of Directors of NYSE Euronext because of their depth of experience with the Euronext markets. The transition period is designed to allow for this. Any potential issues created by the transition period are expected to be mitigated by the fact that, upon the consummation of the Combination, half of anticipated the board of directors of NYSE Euronext will be composed of former NYSE Group directors, all of which qualify as independent under the NYSE Group Independence Policy.

[18] This would include members, allied members (each as defined in the Exchange Rules) and allied persons (as defined in the NYSE Arca and NYSE Arca Equities Rules), member organizations of the Exchange, OTP Firms and OTP Holders of NYSE Arca (each as defined in the Exchange Rules and the rules of NYSE Arca, respectively, as may be in effect from time to time) and ETP Holders of NYSE

(3) any non-member broker-dealer that is registered under the Exchange Act and engages in business involving substantial direct contact with securities customers, and (4) any issuer of securities listed on the Exchange or NYSE Arca, unless such issuer is a ''foreign private issuer'' as defined under Rule 3b–4 promulgated under the Exchange Act.

In contrast to the current independence policy of NYSE Group, the independence policy of NYSE Euronext will not provide as a categorical matter that a person fails to be independent if he or she is an executive officer of a foreign private issuer of securities listed on the Exchange or NYSE Arca. The Exchange believes that this change is important because NYSE Euronext will be a multinational company, with European Persons comprising half of its initial directors, most of whom will initially be former directors of Euronext. Euronext does not prohibit executive officers of companies listed on Euronext exchanges from serving as directors of Euronext because Euronext does not (and NYSE Euronext will not) regulate these companies in the way that the Exchange regulates its listed companies. The Exchange therefore believes that a categorical requirement prohibiting all executive officers of foreign private issuers listed on the NYSE on NYSE Arca could preclude a large pool of otherwise highly qualified director candidates from serving on the NYSE Euronext board of directors and is not necessary.

In addition, the director independence policy will contain a transition period so that the independence requirements will not apply to the European Persons on the NYSE Euronext board of directors until the annual meeting of NYSE Euronext stockholders in 2008.

Finally, in contrast to the current independence policy of NYSE Group, the independence policy of NYSE Euronext will not provide as a categorical matter that a person fails to be independent if he or she is a director of an affiliate of a member organization (which includes member organizations of New York Stock Exchange LLC (as defined in paragraph (b) of Rule 2 of New York Stock Exchange LLC), OTP Firms of NYSE Arca (as defined in Rules 1.1(r) of NYSE Arca) and ETP Holders of NYSE Arca Equities, Inc. (as defined in Rule 1.1(n) of NYSE Arca Equities, Inc.)). In addition, Rule 2B of the Exchange will be amended to clarify that, if a director of an affiliate of a member organization serves as a director of NYSE Euronext, this fact shall not cause such member organization to be an affiliate of the Exchange, or an affiliate of an affiliate of the Exchange.

The independence policy of NYSE Euronext will require, however, that (1) executive officers of foreign private issuers (including, for the avoidance of doubt, companies whose securities are listed on a Euronext exchange), (2) executive officers of NYSE Euronext, (3) any European Person on the NYSE Euronext board of directors who would not satisfy the independence requirements in the independence policy but for the transition period, and (4) any director of an affiliate of a member organization, taken together, shall constitute no more than a minority of the total number of directors of NYSE Euronext. In addition, none of (1) an executive officer of an issuer whose securities are listed on the Exchange or NYSE Arca (regardless of whether such issuer is a foreign private issuer), (2) a European Person on the NYSE Euronext board of directors who would not satisfy the independence requirements in the independence policy but for the transition period, or (3) any director of an affiliate of a member organization can qualify as an independent director of the Exchange, NYSE Market or NYSE Regulation. Consequently, the Exchange believes that the proposed changes, when taken together, do not present significant concerns regarding the independence of the board of NYSE Euronext.

The Exchange proposes that each of the Amended and Restated Operating Agreement of the Exchange, the Amended and Restated Bylaws of NYSE Market and the Amended and Restated Bylaws of NYSE Regulation be amended so that each reference to the independence policy or requirements of NYSE Group shall be replaced with a reference to the independence policy or requirements of NYSE Euronext.

Committees of NYSE Euronext Board of Directors

After the Combination, the NYSE Euronext board of directors may create one or more committees. It is expected that, upon completion of the Combination, the NYSE Euronext board of directors will initially have the following three standing committees: (1) An audit committee; (2) a human resource and compensation committee; and (3) a nominating and governance committee. These committees also will perform relevant functions for NYSE Group, the Exchange, NYSE Market, NYSE Regulation, Arca Holdings, NYSE Arca and NYSE Arca Equities, as well as other subsidiaries of NYSE Euronext, except that the board of directors of NYSE Regulation will continue to have its own compensation and nominating and governance committees.

Each of the audit committee, nominating and governance committee and human resources and compensation committee of the NYSE Euronext board of directors will consist solely of directors meeting the independence requirements of NYSE Euronext. As a result, neither the chief executive officer nor the deputy chief executive officer of NYSE Euronext will be permitted to serve on any of these committees. The NYSE Euronext board of directors will review and adopt a charter for each of these committees annually. Immediately after the Combination, the nominating and governance committee of NYSE Euronext will be comprised of an equal number of persons who were directors of NYSE Group and directors of Euronext, in each case as of immediately prior to the Combination, and the Amended and Restated Bylaws of NYSE Euronext will provide that the nominating and governance committee will be comprised of an equal number of U.S. Persons and European Persons.

NYSE Euronext Management

NYSE Euronext will also have a management committee. As of the consummation of the Combination, the management committee will consist of fourteen members, with an equal number of members designated by NYSE Group and Euronext and will include the chief executive officer of NYSE Group and the chief executive officer of Euronext, in each case as of immediately prior to the Combination.

The management committee will be primarily responsible for managing the strategic and high-level business and affairs of NYSE Euronext, subject to the oversight of the NYSE Euronext board of directors, and except as discussed below in relation to NYSE Regulation. The only members of the senior management team of NYSE Euronext who will also serve as directors of NYSE Euronext are the chief executive officer and deputy chief executive officer of NYSE Euronext. The chief executive officer of NYSE Regulation will attend as appropriate meetings of the board of directors of NYSE Euronext and each of NYSE Group, the Exchange, NYSE Market, NYSE Arca L.L.C., NYSE Arca or NYSE Arca Equities, and also will not be prohibited from meeting with management of NYSE Euronext and each of NYSE Group, the Exchange, NYSE Market, NYSE Arca L.L.C., NYSE

Arca Equities (as defined in the rules of NYSE Arca Equities, as may be in effect from time to time).

Arca or NYSE Arca Equities. However, he or she will not be an officer or employee of any affiliated entity other than NYSE Regulation and will report solely to the NYSE Regulation board of directors.

Voting and Ownership Limitations of NYSE Euronext Stock

The proposed Amended and Restated NYSE Euronext Certificate of Incorporation will place certain restrictions on the ability to vote and own shares of common stock of NYSE Euronext. Under the proposed Amended and Restated Certificate of Incorporation of NYSE Euronext, no person (either alone or together with its related persons [19]) will be entitled to vote or cause the voting of shares of stock of NYSE Euronext beneficially owned by such person or its related persons, in person or by proxy or through any voting agreement or other arrangement, to the extent that such shares represent in the aggregate more than 10% of the then outstanding votes entitled to be cast on such matter, and no person (either alone or together with its related persons) may acquire the ability to vote more than 10% of the then outstanding votes entitled to be cast on any such matter by virtue of agreements or arrangements entered into with other persons not to vote shares of NYSE Euronext's outstanding capital stock. NYSE Euronext shall disregard any such votes purported to be cast in excess of this limitation.[20]

In addition, under the proposed Amended and Restated NYSE Euronext Certificate of Incorporation, no person (either alone or together with its related persons) may at any time beneficially own shares of stock of NYSE Euronext representing in the aggregate more than 20% of the then outstanding votes entitled to be cast on any matter.[21]

In the event that a person, either alone or together with its related persons, beneficially owns shares of stock of NYSE Euronext in excess of the 20% threshold, such person and its related persons will be obligated to sell promptly, and NYSE Euronext will be obligated to purchase promptly, at a price equal to the par value of such shares of stock and to the extent that funds are legally available for such purchase, that number of shares necessary to reduce the ownership level of such person and its related persons to below the permitted threshold, after taking into account that such repurchased shares will become treasury shares and will no longer be deemed to be outstanding.[22]

The NYSE Euronext board of directors will have the right to waive the provisions regarding voting and ownership limits applicable to any person by a resolution expressly permitting this voting or ownership (which resolution must be filed with and approved by the SEC under Section 19 of the Exchange Act and filed with and approved by each European Regulator having appropriate jurisdiction and authority), subject to a determination by the NYSE Euronext board of directors that the exercise of such voting rights (or the entering into of a voting agreement) or ownership, as applicable:

- Will not impair the ability of any of the Exchange, NYSE Market, NYSE Regulation, NYSE Arca L.L.C., NYSE Arca or NYSE Arca Equities (each, a ''U.S. Regulated Subsidiary'' and together, the U.S. Regulated Subsidiaries''), NYSE Euronext or NYSE Group (if and to the extent that NYSE Group continues to exist as a separate entity) to discharge their respective responsibilities under the Exchange Act and the rules and regulations thereunder;
- Will not impair the ability of any of the European Market Subsidiaries or NYSE Euronext or Euronext (if and to the extent that Euronext continues to exist as a separate entity) to discharge their respective responsibilities under the European Exchange Regulations; [23]
- Is otherwise in the best interest of NYSE Euronext, its stockholders, the U.S. Regulated Subsidiaries and the European Market Subsidiaries; and
- Will not impair the SEC's ability to enforce the Exchange Act or the European Regulators' ability to enforce the European Exchange Regulations.

[19] A ''related person'' means, with respect to any person, (i) any ''affiliate'' of such person (as such term is defined in Rule 12b–2 under the Exchange Act); (ii) any other person(s) with which such first person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of shares of the stock of NYSE Euronext; (iii) in the case of a person that is a company, corporation or similar entity, any executive officer (as defined under Rule 3b–7 under the Exchange Act) or director of such person and, in the case of a person that is a partnership or a limited liability company, any general partner, managing member or manager of such person, as applicable; (iv) in the case of a person that is a ''member organization'' (as defined in the Exchange Rules), any ''member'' (as defined in the Exchange Rules) that is associated with such person (as determined using the definition of ''person associated with a member'' as defined under Section 3(a)(21) of the Exchange Act); (v) in the case of a person that is an OTP Firm, any OTP Holder that is associated with such person (as determined using the definition of ''person associated with a member'' as defined under Section 3(a)(21) of the Exchange Act); (vi) in the case of a person that is a natural person, any relative or spouse of such natural person, or any relative of such spouse who has the same home as such natural person or who is a director or officer of NYSE Euronext or any of its parents or subsidiaries; (vii) in the case of a person that is an executive officer (as defined under Rule 3b–7 under the Exchange Act), or a director of a company, corporation or similar entity, such company, corporation, or entity, as applicable; (viii) in the case of a person that is a general partner, managing member or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable; (ix) in the case of a person that is a ''member'' (as defined in the Exchange Rules), the ''member organization'' (as defined in the Exchange Rules) with which such person is associated (as determined using the definition of ''person associated with a member'' as defined under Section 3(a)(21) of the Exchange Act); and (x) in the case of a person that is an OTP Holder, the OTP Firm with which such person is associated (as determined using the definition of ''person associated with a member'' as defined under Section 3(a)(21) of the Exchange Act). *See* proposed Amended and Restated NYSE Euronext Certificate of Incorporation, Article V, Section 1(L).

[20] *See* proposed Amended and Restated NYSE Euronext Certificate of Incorporation, Article V, Section 1(A).

[21] *See* proposed Amended and Restated NYSE Euronext Certificate of Incorporation, Article V, Section 2(A).

[22] *See* proposed Amended and Restated NYSE Euronext Certificate of Incorporation, Article V, Section 2(D).

[23] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VII, Section 7.3(B).

''European Exchange Regulations'' are defined as (1) laws providing for the regulation of securities exchanges in France, the Netherlands, Belgium, Portugal and the United Kingdom and (2) following the formation or acquisition by Euronext of any European Regulated Market not owned and operated by Euronext as of the Effective Time (as defined in the Combination Agreement), laws providing for the regulation of securities exchanges in the jurisdiction in which such European Regulated Market operates; provided that (a) the formation or acquisition of such European Regulated Market shall have been approved by the Board of Directors of NYSE Euronext and (b) the jurisdiction in which such European Regulated Market operates is represented in the Euronext College of Regulators.

''European Market Subsidiary'' (and collectively, the ''European Market Subsidiaries'') shall mean any ''market operator'' (as defined by the European Directive on Markets in Financial Instruments 2004/39 EC) that is (1) owned by Euronext as of the Effective Time (as defined in the Combination Agreement) and continues to be owned directly or indirectly by NYSE Euronext; or (2) acquired by Euronext after the Effective Time (as defined in the Combination Agreement); provided that, in the case of clause (2), the acquisition of such entity shall have been approved by the Board of Directors of NYSE Euronext and the jurisdiction in which such European Market Subsidiary operates is represented in the Euronext College of Regulators.

''Euronext College of Regulators'' means (1) the Committee of Chairmen of the French Financial Market Authority (Autorité des Marchés Financiers), the Netherlands Authority for the Financial Markets (Autoriteit Financiele Markten), the Belgian Banking, Finance, and Insurance Commission (Commission Bancaire, Financiére, et des Assurances), the Portuguese Securities Market Commission (Comissão do Mercado de Valores Mobiliários—CMVM), and the U.K. Financial Services Authority (FSA), pursuant to the Memoranda of Understanding, dated March 3, 2003 and March 22, 2001, and (2) a successor body thereto created to include a European Regulator that regulates a European Market Subsidiary.

In making these determinations, the NYSE Euronext board of directors may impose conditions and restrictions on the relevant stockholder or its related persons that it deems necessary, appropriate or desirable in furtherance of the objectives of the Exchange Act, European Exchange Regulations and its governance. Any such waiver would be tantamount to a proposed rule change subject to approval by the SEC, and if applicable, the European Regulators. However, the NYSE Euronext board of directors may not waive the voting and ownership limits above the 20% threshold for any person if such person or its related persons is:

- For so long as NYSE Euronext directly or indirectly controls the Exchange or NYSE Market, a ''member'' or ''member organization'' (as defined in Exchange Rules);
- For so long as NYSE Euronext directly or indirectly controls NYSE Arca, NYSE Arca Equities or any facility of NYSE Arca, an ETP Holder (as defined in the NYSE Arca Equities rules of NYSE Arca, as such rules may be in effect from time to time) of NYSE Arca Equities or an OTP Holder or an OTP Firm (each as defined in the rules of NYSE Arca, as such rules may be in effect from time to time) of NYSE Arca; or
- Subject to any statutory disqualification (as defined in Section 3(a)(39) of the Exchange Act) (a ''U.S. Disqualified Person'') or has been determined by a European Regulator to be in violation of laws or regulations adopted in accordance with the European Directive on Markets in Financial Instruments applicable to any European Market Subsidiary requiring such person to act fairly, honestly and professionally (a ''European Disqualified Person'').

The proposed Amended and Restated NYSE Euronext Certificate of Incorporation will also require any stockholder that the NYSE Euronext board of directors reasonably believes to be subject to the voting or ownership restrictions summarized above, and any person (either alone or together with its related persons) that at any time beneficially owns 5% or more of NYSE Euronext's outstanding capital stock (which ownership has not been reported to NYSE Euronext), to provide to NYSE Euronext, upon the request of the NYSE Euronext board of directors, complete information as to all shares of stock of NYSE Euronext beneficially owned by such person and its related persons, and any other factual matters relating to the applicability or effect of the voting and ownership limitations outlined above as may be reasonably requested of such person and its related persons.[24]

Protection of Self-Regulatory Functions and Oversight

The proposed Amended and Restated NYSE Euronext Bylaws will contain several other provisions designed to protect the independence of the self-regulatory function of the U.S. Regulated Subsidiaries and the European Market Subsidiaries.

The proposed Amended and Restated NYSE Euronext Bylaws require that, in discharging his or her responsibilities as a member of the board, each director of NYSE Euronext must, to the fullest extent permitted by applicable law, take into consideration the effect that NYSE Euronext's actions would have on the ability of the U.S. Regulated Subsidiaries to carry out their responsibilities under the Exchange Act, on the ability of the European Market Subsidiaries to carry out their responsibilities under the European Exchange Regulations as operators of European Regulated Markets, and on the ability of NYSE Group, the U.S. Regulated Subsidiaries and NYSE Euronext to:

- Engage in conduct that fosters and does not interfere with the ability of NYSE Group, the U.S. Regulated Subsidiaries and NYSE Euronext to prevent fraudulent and manipulative acts and practices in the securities markets;
- Promote just and equitable principles of trade in the securities markets;
- Foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities;
- Remove impediments to and perfect the mechanisms of a free and open market in securities and a U.S. national securities market system; and
- In general, to protect investors and the public interest.[25]

Moreover, the proposed Amended and Restated NYSE Euronext Bylaws provide that each director, officer, and employee of NYSE Euronext, in discharging his or her responsibilities in such capacity, shall (1) comply with the U.S. federal securities laws, the European Exchange Regulations, and the respective rules and regulations thereunder; (2) cooperate with the SEC and the European Regulators; and (3) cooperate with the U.S. Regulated Subsidiaries and the European Market Subsidiaries pursuant to, and to the extent of, their regulatory authority.[26]

The proposed Amended and Restated NYSE Euronext Bylaws provide that, to the fullest extent permitted by applicable law, all confidential information pertaining to (1) the self-regulatory function of the Exchange, NYSE Market, NYSE Regulation, NYSE Arca and NYSE Arca Equities (including but not limited to disciplinary matters, trading data, trading practices and audit information) contained in the books and records of any of the U.S. Regulated Subsidiaries, and (2) the self-regulatory function of the European Market Subsidiaries under the European Exchange Regulations as operator of a European Regulated Market (including but not limited to disciplinary matters, trading data, trading practices and audit information) contained in the books and records of the European Market Subsidiaries, that shall come into the possession of NYSE Euronext shall:

- Not be made available to any persons other than to those officers, directors, employees and agents of NYSE Euronext that have a reasonable need to know the contents thereof;
- Be retained in confidence by NYSE Euronext and its officers, directors, employees and agents; and
- Not be used for any commercial purposes.[27]

Notwithstanding the foregoing, nothing in the Amended and Restated NYSE Euronext Bylaws shall be interpreted so as to limit or impede:

- The rights of the European Regulators or any of the European Market Subsidiaries to have access to and examine such confidential information pursuant to European Exchange Regulations;
- The rights of the SEC or any of the U.S. Regulated Subsidiaries to have access to and examine such confidential information pursuant to the U.S. federal securities laws and the rules and regulations thereunder; or
- The ability of any officers, directors, employees or agents of NYSE Euronext to disclose such confidential information to the SEC or the U.S. Regulated Subsidiaries or the European Regulators or the European Market Subsidiaries.[28]

NYSE Euronext's books and records shall be subject at all times to inspection and copying by (a) the SEC, (b) each of the European Regulators, (c) any U.S.

[24] *See* proposed Amended and Restated NYSE Euronext Certificate of Incorporation, Article V, Section 4.

[25] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article III, Section 3.15.

[26] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article III, Section 3.15.

[27] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VIII.

[28] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VIII.

Regulated Subsidiary and (d) any European Market Subsidiary; provided that, (1) in the case of (c), such books and records are related to the operation or administration of such U.S. Regulated Subsidiary or any other U.S. Regulated Subsidiary over which such U.S. Regulated Subsidiary has regulatory authority or oversight and (2) in the case of (d), such books and records are related to the operation or administration of such European Market Subsidiary or any European Regulated Market over which such European Market Subsidiary has regulatory authority or oversight. NYSE Euronext's books and records related to U.S. Regulated Subsidiaries shall be maintained within the United States, and NYSE Euronext's books and records related to European Market Subsidiaries shall be maintained in the home jurisdiction of one or more of the European Market Subsidiaries. The proposed Amended and Restated NYSE Euronext Bylaws provide that, to the extent that any of NYSE Euronext's books and records relate to both U.S. Regulated Subsidiaries and European Market Subsidiaries (each such book and record, an ''Overlapping Record''), NYSE Euronext shall be entitled to maintain such books and records in either the United States or the home jurisdiction of one or more of the European Market Subsidiaries. To facilitate compliance with the requirements of Rule 17a–1(b) under the Exchange Act, NYSE Euronext shall maintain in the United States originals or copies of Overlapping Records covered by Rule 17a–1(b) promptly after creation of such Overlapping Records.

The proposed Amended and Restated NYSE Euronext Bylaws provide that, for so long as NYSE Euronext directly or indirectly controls any U.S. Regulated Subsidiary, the books, records, premises, officers, directors and employees of NYSE Euronext shall be deemed to be the books, records, premises, officers, directors and employees of the U.S. Regulated Subsidiaries for purposes of and subject to oversight pursuant to the Exchange Act, and for so long as NYSE Euronext directly or indirectly controls any European Market Subsidiary, the books, records, premises, officers, directors and employees of NYSE Euronext shall be deemed to be the books, records, premises, officers, directors and employees of such European Market Subsidiaries for purposes of and subject to oversight pursuant to the European Exchange Regulations.[29]

The proposed Amended and Restated NYSE Euronext Bylaws provide that NYSE Euronext shall comply with the U.S. federal securities laws and the rules and regulations thereunder, the European Exchange Regulations and the rules and regulations thereunder and shall cooperate with the SEC, the European Regulators, and the U.S. Regulated Subsidiaries pursuant to and to the extent of their respective regulatory authority, and shall take reasonable steps necessary to cause its agents to cooperate, with the SEC and the European Regulators and, where applicable, the U.S. Regulated Subsidiaries pursuant to their regulatory authority.[30]

The proposed Amended and Restated NYSE Euronext Bylaws also provide that NYSE Euronext, its directors and officers, and those of its employees whose principal place of business and residence is outside of the United States shall be deemed to irrevocably submit to the jurisdiction of the U.S. federal courts and the SEC for the purposes of any suit, action or proceeding pursuant to the U.S. federal securities laws, and the rules and regulations thereunder, commenced or initiated by the SEC arising out of, or relating to, the activities of the U.S. Regulated Subsidiaries (and shall be deemed to agree that NYSE Euronext may serve as U.S. agent for purposes of service of process in such suit, action or proceeding). Further, NYSE Euronext, as well as each such director, officer or employee by virtue of acceptance of such position, shall be deemed to waive, and agree not to assert by way of motion, as a defense or otherwise in any such suit, action or proceeding, any claims that it or they are not personally subject to the jurisdiction of the SEC, that the suit, action or proceeding is an inconvenient forum or that the venue of the suit, action or proceeding is improper, or that the subject matter thereof may not be enforced in or by such courts or agency.[31]

The proposed Amended and Restated NYSE Euronext Bylaws also provide that NYSE Euronext, its directors, officers and employees shall be deemed to irrevocably submit to the jurisdiction of the European Regulators and to courts in the capital city of the country of each such regulator for the purposes of any suit, action or proceeding pursuant to the European Exchange Regulations and the rules and regulations thereunder, commenced or initiated by the European Regulators arising out of, or relating to, the activities of the European Market Subsidiaries. Further, NYSE Euronext, as well as each such director, officer or employee by virtue of acceptance of such position, shall be deemed to waive, and agree not to assert by way of motion, as a defense or otherwise in any such suit, action or proceeding, any claims that it or they are not personally subject to the jurisdiction of the European Regulators, that the suit, action or proceeding is an inconvenient forum or that the venue of the suit, action or proceeding is improper, or that the subject matter thereof may not be enforced in or by such courts or regulators.[32]

The proposed Amended and Restated NYSE Euronext Certificate of Incorporation and proposed Amended and Restated NYSE Euronext Bylaws provide that:

- For so long as NYSE Euronext shall control, directly or indirectly, any of the U.S. Regulated Subsidiaries, before any amendment to or repeal of any provision of the Amended and Restated NYSE Euronext Certificate of Incorporation or Amended and Restated NYSE Euronext Bylaws shall be effective, such amendment or repeal shall be submitted to the boards of directors of the Exchange, NYSE Market, NYSE Regulation, NYSE Arca and NYSE Arca Equities, and if any or all of such boards of directors determines that the amendment or repeal must be filed with or filed with and approved by the SEC under Section 19 of the Exchange Act before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until filed with or filed with and approved by the SEC;[33] and
- For so long as NYSE Euronext shall control, directly or indirectly, any European Market Subsidiary, before any amendment to or repeal of any provision of the Amended and Restated NYSE Euronext Certificate of Incorporation or Amended and Restated NYSE Euronext Bylaws shall be effective, such amendment or repeal shall be submitted to the boards of directors of the European Market Subsidiaries and, if any or all of such boards of directors shall determine that such amendment or repeal must be filed with, or filed with and approved by, a European Regulator under European Exchange Regulations before such amendment or repeal may be

[29] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VIII.

[30] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article IX.

[31] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VII, Section 7.1.

[32] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article VII, Section 7.2.

[33] *See* proposed Amended and Restated NYSE Euronext Certificate of Incorporation, Article X; proposed Amended and Restated NYSE Euronext Bylaws, Section 10.10(C).

effectuated, then such amendment or repeal shall not be effectuated until filed with, or filed with and approved by, the relevant European Regulator(s).

In addition, the proposed Amended and Restated Bylaws of NYSE Euronext provides that NYSE Euronext, its directors, officers and employees shall give due regard to the preservation of the independence of the self-regulatory function of the U.S. Regulated Subsidiaries (to the extent of each U.S. Regulated Subsidiary's self-regulatory function) and to obligations to investors and the general public and shall not take any actions that would interfere with the effectuation of any decisions by the board of directors or managers of the U.S. Regulated Subsidiaries relating to their regulatory functions (including enforcement and disciplinary matters) or that would interfere with the ability of the U.S. Regulated Subsidiaries to carry out their respective responsibilities under the Exchange Act.[34]

Furthermore, the proposed Amended and Restated Bylaws of NYSE Euronext provide that NYSE Euronext, its directors, officers and employees shall give due regard to the preservation of the independence of the self-regulatory function of the European Market Subsidiaries (to the extent of each European Market Subsidiaries' self-regulatory function) and to its obligations to investors and the general public, and shall not take any actions that would interfere with the effectuation of any decisions by the board of directors or managers of the European Market Subsidiaries relating to their regulatory responsibilities (including enforcement and disciplinary matters) or that would interfere with the ability of the European Market Subsidiaries to carry out their respective regulatory responsibilities under the European Exchange Regulations.[35]

Under the proposed Amended and Restated NYSE Euronext Bylaws, NYSE Euronext shall take reasonable steps necessary to cause its officers, directors and employees, prior to accepting a position as an officer, director or employee, as applicable, of NYSE Euronext to consent in writing to the applicability to them of certain of these provisions with respect to their activities related to any U.S. Regulated Subsidiary.[36]

The proposed Amended and Restated NYSE Euronext Bylaws require the affirmative vote of at least two-thirds of the directors then in office for (a) the consummation of any Extraordinary Transaction (as defined below), or (b) the execution by NYSE Euronext or any of its subsidiaries of a definitive agreement providing for an Extraordinary Transaction. An ''Extraordinary Transaction'' shall mean any of the following: (i) The direct or indirect acquisition, sale or disposition by NYSE Euronext or any of its subsidiaries of assets or equity securities where the consideration received in respect of such assets or equity securities has a fair market value, measured as of the date of the execution of the definitive agreement providing for such acquisition, sale or disposition (or, if no definitive agreement is executed for such acquisition, sale or disposition, the date of the consummation of such acquisition, sale or disposition), in excess of 30% of the aggregate equity market capitalization of NYSE Euronext as of such date; (ii) a merger or consolidation of the NYSE Euronext or any of its subsidiaries with any entity with an aggregate equity market capitalization (or, if such entity's equity securities shall not be traded on a national securities exchange, with a fair market value of assets), measured as of the date of the execution of the definitive agreement providing for such merger or consolidation (or, if no definitive agreement is executed for such merger or consolidation, the date of the consummation of such merger or consolidation), in excess of 30% of the aggregate equity market capitalization of NYSE Euronext as of such date; or (iii) any direct or indirect acquisition by NYSE Euronext or any of its subsidiaries of assets or equity securities of an entity whose principal place of business is outside of the United States and Europe, or any merger or consolidation of NYSE Euronext or any of its subsidiaries with an entity whose principal place of business is outside of the United States and Europe, pursuant to which NYSE Euronext has agreed that one or more directors of the board of directors of NYSE Euronext shall be a person who is neither a U.S. Person nor a European Person as of the most recent election of directors.[37]

The NYSE Group does not currently, nor after the Combination will it or NYSE Euronext, own or control any of the member organizations of the Exchange. To the extent that a member organization is the owner of NYSE Euronext common stock, the ownership limitations described above are intended to deal with the issues that might otherwise be presented. However, the Exchange understands that the SEC is also concerned about potential unfair competition and conflicts of interest between a U.S. exchange's self-regulatory obligations and its commercial interests that could exist if such exchange were to become affiliated with one of its members, as well as the potential for unfair competitive advantage that the affiliated member could have by virtue of informational or operational advantages, or the ability to receive preferential treatment.[38] The Exchange acknowledges that ownership of, or a control relationship with, a member organization by NYSE Euronext or any of its subsidiaries would necessitate that the foregoing concerns be first addressed with, and to the satisfaction of, the SEC[39] and/or, as appropriate, the European Regulators.

Delaware Trust and Dutch Foundation

Generally

NYSE Euronext will operate several regulated entities located in the United States and in various jurisdictions in Europe. In connection with obtaining regulatory approval of the Combination, NYSE Euronext intends to implement certain special arrangements consisting of two standby structures, one involving a Dutch foundation (stichting) and one involving a Delaware trust. The Dutch foundation will be empowered to take actions to mitigate the effects of any material adverse change in U.S. law that has an ''extraterritorial'' impact on non-U.S. issuers listed on Euronext markets, non-U.S. financial services firms that are members of Euronext markets or holders of exchange licenses with respect to the Euronext markets. The Delaware trust will be empowered to take actions to mitigate the effects of any material adverse change in European law that has an ''extraterritorial'' impact on the non-European issuers listed on NYSE Group securities exchanges, non-European financial services firms that are members of any NYSE Group securities market or holders of exchange

[34] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article IX, Section 9.4.

[35] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article IX, Section 9.5.

[36] *See* proposed Amended and Restated NYSE Euronext Bylaws, Article IX, Section 9.3.

[37] *See* proposed Amended and Restated NYSE Euronext Bylaws, Section 10.9. Section 10.9 also provides that none of the transactions contemplated by the Combination Agreement, including the Combination, shall constitute an Extraordinary Transaction.

[38] *See* Securities Exchange Act Release Nos. 52497 (September 22, 2005), 70 FR 56949 (September 29, 2005) (File No. SR–PCX–2005–90) and 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006) (File No. SR–NYSE–2005–77).

[39] *See* proposed Exchange Rule 2(B). We note that the SEC has specifically approved the ownership and operation of the outbound router function of Archipelago Securities by Archipelago, subject to the conditions specified in Securities Exchange Act Release No. 52497. *See id.*

licenses with respect to the NYSE Group securities exchanges.

Administration of the Dutch Foundation and of the Delaware Trust

The Dutch foundation will be administered by a board of three directors, and the Delaware trust will be administered by a board of three trustees. Each director will be required to be of high repute and to have experience and expertise in the securities industry, regulation and/or corporate governance and satisfy the independence requirements applicable to the board of directors of New York Stock Exchange LLC. Terms of appointment for the directors of each of the foundation and the trust will be three years for the first three terms with one-year terms thereafter, with no limit on the total number of terms a director may serve.

The initial directors of the Delaware trust and the Dutch foundation will be selected jointly by NYSE Group and Euronext prior to the Combination, with successor members to be selected by the nominating and governance committee of the NYSE Euronext board of directors. Persons nominated by the nominating and governance committee of the NYSE Euronext board of directors to serve on the board of the Dutch foundation must be approved by the Chairs Committee of the College of Euronext Regulators and must pass any ''fit and proper'' test under applicable European laws or regulations. Persons nominated by the nominating and governance committee of the NYSE Euronext board of directors to serve on the board of the Delaware trust must not be unacceptable to the Staff of the SEC and must not be subject to any statutory disqualification (as defined in Section 3(a)(39) of the Exchange Act). Directors of the Dutch foundation and the Delaware trust may only be removed for cause by the nominating and governance committee of the NYSE Euronext board of directors; provided, however, that NYSE Euronext shall provide prior written notice of such removal to the College of Euronext Regulators (in the case of a foundation director) and to the Director of the Division of Market Regulation of the SEC (in the case of a trustee).

Actions of the Dutch foundation and the Delaware trust will require majority approval of the members of the relevant board of directors, following reasonable consultation and good-faith cooperation with NYSE Euronext. In:

- Determining whether a material adverse change of law (as described below) has occurred or is continuing (including for purposes of determining when a remedy must be unwound as described below);
- Deciding upon the exercise of the remedies as described below; and
- In exercising its rights and powers during the pendency of a material adverse change of law;

The duty of the Dutch foundation and its board of directors and the Delaware trust and its trustees shall be to act in the public interests of the markets operated by Euronext and NYSE Group, respectively, and their respective subsidiaries if and only to the extent necessary to avoid or eliminate a material adverse change of law. In all other circumstances, the duty of the Dutch foundation and its board and the Delaware trust and its trustees shall be to act in the best interests of NYSE Euronext; in the event of any conflict between the duties of the Dutch foundation and its board of directors and/or the Delaware trust and its trustees to act in any of the circumstances referred to in three bulleted items of the preceding sentence, on the one hand, and the duties of the Dutch foundation and its board of directors and/or the Delaware trust and its trustees in any other circumstances referred to in the preceding sentence, on the other hand, the former shall prevail.

Material Adverse Change in Law

With respect to Euronext and the Dutch foundation, a material adverse change in law means: (1) The enactment of a new U.S. law (including the enactment of a new law that amends an existing law and including the enactment or adoption of regulations implementing any such new law or, if applicable, regulations amending or replacing regulations implementing any such existing or new law) or (2) a change of interpretation of any such existing or new laws or regulations by a competent U.S. regulatory authority or a U.S. court of competent jurisdiction pursuant to an order or judgment that is final, binding and not subject to appeal, in each case having a material adverse effect (including as may result from an increase in the regulatory burden that may occur as a result of such law) on:

- A substantial proportion of the non-U.S. issuers listed on a Euronext market or all of the non-U.S. issuers listed on a Euronext market belonging to a single industry sector, in each case solely because:
- The securities of such non-U.S. issuers are listed on such Euronext market; and
- Such Euronext market is owned directly or indirectly by NYSE Euronext (it being understood that if non-U.S. issuers can avoid such material adverse effect by complying with Rule 12g3–2(b) under the Exchange Act, in its form as of the date of the completion of the Combination, or a provision not materially more burdensome, then such U.S. laws shall not be deemed to have a material adverse effect on non-U.S. issuers);
- A substantial proportion of the non-U.S. financial services firms of any Euronext market solely because:
- Such non-U.S. financial services firms are members of such Euronext market (and such firm is not a member of, and does not do business on, a NYSE Group securities exchange or other U.S. market); and
- Such Euronext market is owned directly or indirectly by NYSE Euronext; or
- To the extent that the object of such new law is to regulate the market operating rules, listing standards, or member financial services firm rules for such firms that are not members of, and do not do business on, a NYSE Group securities exchange or other U.S. market, any holder of an exchange license for a Euronext market in a manner that has a material adverse effect on such market solely because:
- Such holder operates a Euronext market; and
- Such Euronext market is owned directly or indirectly by NYSE Euronext.

With respect to the Delaware trust and any NYSE Group securities exchange, a material adverse change in law means: (1) The enactment of a new European law (including the enactment of a new law that amends an existing law and including the enactment or adoption of regulations implementing any such new law or, if applicable, regulations amending or replacing regulations implementing any such existing or new law) or (2) a change of interpretation of any such existing or new laws or regulations by a competent European regulatory authority or a European court of competent jurisdiction pursuant to an order or judgment that is final, binding and not subject to appeal, in each case having a material adverse effect (including as may result from an increase in the regulatory burden that may occur as a result of such law) on:

- A substantial proportion of the non-European issuers listed on a NYSE Group securities exchange or all of the non-European issuers listed on a NYSE Group securities exchange belonging to a single industry sector, in each case solely because:
- The securities of such non-European issuers are listed on such NYSE Group securities exchange; and

• Such NYSE Group securities exchange is owned directly or indirectly by NYSE Euronext;

• A substantial proportion of the non-European financial services firms of any NYSE Group securities exchange solely because:

• Such non-European financial services firms are members of such NYSE Group securities exchange (and such firm is not a member of, and does not do business on, a Euronext market or other European securities market); and

• Such NYSE Group securities exchange is owned directly or indirectly by NYSE Euronext; or

• To the extent the object of such law is to regulate the market operating rules, listing standards, or member financial services firm rules for such firms that are not members of, and do not do business on, a Euronext market or other regulated market within Europe, such NYSE Group securities exchange in a manner that has a material adverse effect on such NYSE Group securities exchange solely because:

• Such entity is a NYSE Group securities exchange; and

• Such NYSE Group securities exchange is owned directly or indirectly by NYSE Euronext.

However, in either case, a material adverse change of law shall not be deemed to have occurred with respect to any U.S. or European law, as applicable, if such law is not (and for so long as it is not) effective, enforceable or applicable by reason of any permanent or temporary injunction, order or other administrative relief, or that is not self-effectuating in the absence of implementing regulations that have not yet been adopted.

For purposes of determining whether a material adverse change of law has occurred:

• A ''non-U.S. issuer'' is any legal entity (1) incorporated or established in a jurisdiction outside of the United States that has securities listed on a Euronext market; (2) that does not have any securities listed on any U.S. securities exchange and is not otherwise required to be have any of its securities registered under the Exchange Act; and (3) that has not offered (within the meaning of the Securities Act) any securities to the public in the United States or filed a registration statement with the SEC under the Securities Act;

• A ''non-U.S. financial services firm'' is any legal entity (1) incorporated or established in a jurisdiction outside of the United States that is a member of a Euronext market and is not a member of any market, securities exchange or securities association in the United States; (2) that is not required to be registered under the Exchange Act; (3) that does not have any securities listed on any U.S. securities exchange and is not otherwise required to have any of its securities registered under the Exchange Act; (4) that has not offered (within the meaning of the Securities Act) any securities in the United States and has not filed a registration statement with the SEC under the Securities Act; (5) that does not engage in business in the United States; and (6) that is not a member of the National Association of Securities Dealers;

• A ''non-European issuer'' is any legal entity (1) incorporated or established in a jurisdiction outside of Europe that has securities listed on a NYSE Group securities exchange; (2) that does not have any securities listed on a regulated market in Europe and, to the extent that the concept of securities registration exists under any European exchange regulation, is not otherwise required to have any of its securities registered under such European exchange regulation; and (3) that has not offered any securities in Europe or, to the extent that the concept of securities registration exists under any European exchange regulation, filed a registration statement to register shares with European regulators under any European exchange regulation;

• A ''non-European financial services firm'' is any legal entity (1) incorporated or established in a jurisdiction outside of Europe that is a member of a NYSE Group securities exchange and is not a member of any regulated market in Europe; (2) that is not required to be registered under any European exchange regulation (to the extent that the concept of registration exists under any European exchange regulation); (3) does not have any securities listed on any regulated market in Europe and, to the extent that the concept of securities registration exists under any European exchange regulation, is not otherwise required to have any of its securities registered under such European exchange regulation; and (4) that has not offered (within the meaning of the European exchange regulations) any securities in any jurisdiction in Europe and, to the extent that the concept of securities registration exists under any European exchange regulation, has not filed a registration statement with any European regulator under European exchange regulation; and

• ''Europe'' means (1) any and all of the jurisdictions in which Euronext or any of its subsidiaries operates a European regulated market; (2) any member state of the European Economic Area as of the effective time of the Combination and any state that becomes a member of the European Economic Area after the effective time of the Combination; and (3) Switzerland (with ''European'' having a correlative meaning).

Remedies of the Dutch Foundation and Delaware Trust

If a material adverse change in law occurs with respect to a Euronext market or a NYSE Group securities exchange (the ''affected subsidiary'') and shall continue after the cure periods specified below, the board of trustees of the Delaware trust (in the case where the affected subsidiary is a NYSE Group securities exchange) or the board of directors of the Dutch foundation (in the case where the affected subsidiary operates a Euronext market), as applicable, may exercise the following remedies following prior notice to, and, if required under then applicable laws, prior approval by, the European regulators having jurisdiction over Euronext or its regulated subsidiaries or the SEC, as applicable:

• After a cure period of six months, the delivery of confidential or public and non-binding or binding advice to NYSE Group (in the case where the affected subsidiary is a NYSE Group securities exchange) or Euronext (in the case where the affected subsidiary operates a Euronext market) and NYSE Euronext with respect to the affected subsidiary relating to decisions regarding (1) changes to the rules of the relevant securities exchange or market, (2) decisions to enter into (or not enter into) or alter the terms of listing agreements of the relevant securities exchange or market, (3) decisions to enter into (or not enter into) or alter the terms of contractual arrangements with any non-European or non-U.S., respectively, financial services firms in relation to the U.S. or European market, respectively, (4) changes in information and communications technologies for the relevant markets or securities exchanges, (5) changes in clearing and settlement for the relevant market or securities exchanges, as applicable and (6) in the case of the Dutch foundation, decisions to eliminate or impair the existence or continuation of a European market ((1) through (6), together the ''Assumed Matters'');

• After a cure period of six months, the assumption of management responsibilities of NYSE Group (in the case where the affected subsidiary is a NYSE Group securities exchange) or Euronext (in the case where the affected subsidiary operates a Euronext market) or its affected subsidiary with respect to some or all of the Assumed Matters;

• After a cure period of six months, the exercise of a call option over priority shares issued by NYSE Group (in the case where the affected subsidiary operates a NYSE Group securities exchange) or Euronext (in the case where the affected subsidiary operates a Euronext market) or its affected subsidiary, which priority shares will carry no or a limited economic right or interest and the right to vote on, make proposals with respect to and impose consent requirements to approve actions in relation to, the Assumed Matters; and

• After a cure period of nine months, the exercise of a call option over the common stock or voting securities of NYSE Group (in the case where the affected subsidiary is a NYSE Group securities exchange) or the ordinary shares or voting securities of Euronext (in the case where the affected subsidiary operates a Euronext market) or its affected subsidiary, in each case, with such common stock, ordinary shares or voting securities being the minimum number necessary, in the reasonable opinion of the trustees of the Delaware trust or the board of directors of the Dutch foundation, as the case may be, to cause all affected subsidiaries to cease to be subject to a material adverse change of law.

Furthermore, subject to any required approval by the European regulators having jurisdiction over Euronext or its regulated subsidiaries or the SEC (as applicable), the Dutch foundation or the Delaware trust shall be entitled to give confidential non-binding advice to NYSE Euronext at any time before the end of the above-mentioned cure period and NYSE Euronext shall be entitled, in its sole discretion, to implement any remedy at any time before the end of such cure period.

Any of the above remedies may be imposed only if and to the extent that such remedy (1) causes all affected subsidiaries to cease to be subject to a material adverse change of U.S. law or European law, as the case may be; and (2) is the remedy available that causes the least intrusion on the conduct of the business and operations of NYSE Euronext and Euronext or NYSE Group, as the case may be, and their respective subsidiaries, including the affected subsidiaries, by their respective governing bodies. In determining whether a remedy satisfies the condition in clause (2) of the prior sentence:

• Negative control by the Dutch foundation or Delaware trust, as the case may be, shall be preferred over affirmative control by the Dutch foundation or Delaware trust;

• Authority of the Dutch foundation or Delaware trust, as the case may be, shall be asserted over the fewest and most narrow decisions of NYSE Euronext and its subsidiaries; and

• A remedy covering fewer entities and subsidiary entities shall be preferred over a remedy covering more entities and parent entities;

• The call option over the priority shares shall be viewed as a remedy of last resort among the remedies that are available after the six-month cure period; and

• The call option over the common stock, ordinary shares and voting securities shall be viewed as a remedy of last resort among all remedies.

In addition, prior to the exercise of a call option, the board of directors of the Dutch foundation or the board of trustees of the Delaware trust, as applicable, must first:

• Determine that no other remedy can cause all of the affected subsidiaries to cease to be subject to a material adverse change of law;

• Consult with the NYSE Euronext board of directors; and

• In the case of a material adverse change in law with respect to a Euronext market, consult with the Euronext supervisory and managing boards and the applicable European regulators with authority over the affected exchange to consider the solutions available to address the situation that has arisen and would trigger the right of the Dutch foundation to exercise the remedies described above, taking into account any possible adverse consequences for NYSE Euronext or Euronext in terms of taxation or accounting treatment; and

• In the case of a material adverse change in law with respect to a NYSE Group securities exchange, consult with the NYSE Group board of directors and the SEC to consider the solutions available to address the situation that has arisen and would trigger the right of the Delaware trust to exercise of the remedies described above, taking into account any possible adverse consequences for NYSE Euronext or NYSE Group in terms of taxation or accounting treatment;

in each case, acting in the best interest of NYSE Euronext.

In the event a call option is exercised, the Dutch foundation or the Delaware trust, as applicable, will issue to NYSE Euronext certificates representing the economic rights of any shares acquired pursuant to such option exercise.

Unwinding of Remedies

If and when any of the conditions of a material adverse change of law cease, any and all remedies shall be immediately unwound.

Additionally, NYSE Euronext shall have the right, at any time and regardless of whether a change of law continues to be a material adverse change of law, to request and cause the unwinding of any remedy for the purpose of and to the extent necessary to effect a divesture or spin-off of all or part of its interest in NYSE Group or NYSE Euronext, as applicable, or any subsidiary of NYSE Euronext operating an exchange that is affected by a material adverse change of law, as the case may be.

Consequences of the Exercise of Remedies

The exercise of the remedies may trigger a total or partial loss by NYSE Euronext of operating control over some of its regulated markets or securities exchanges. For example, if the Dutch foundation were to deliver binding advice with respect to an affected subsidiary of Euronext, or were to assume management responsibilities with respect to the affected subsidiary, NYSE Euronext and its management may lose control of key decisions regarding the operation of such affected subsidiary. In addition, the Dutch foundation or the Delaware trust may require that NYSE Euronext transfer control over a substantial portion of its business and assets to the direction of the foundation or trust.

Automatic Suspension and Repeal of Certain Provisions in the NYSE Euronext Organizational Documents

Immediately following the exercise of a call option over a substantial portion of Euronext's business (a ''Euronext call option''), and for so long as the Dutch foundation shall continue to hold any priority shares or ordinary shares of Euronext, or the voting securities of one or subsidiaries of Euronext that, taken together, represent a substantial portion of Euronext's business, then the following provisions of the proposed Amended and Restated NYSE Euronext Bylaws shall be suspended:

• The requirement that European Persons are represented in a certain proportion on the NYSE Euronext board of directors and the nominating and governance committee of the NYSE Euronext board of directors;

• The requirement of supermajority board or shareholder approval for certain extraordinary transactions;

• The provisions granting jurisdiction to European regulators over certain actions of NYSE Euronext and the NYSE Euronext board of directors; and

• References to European regulators, European market subsidiaries and European disqualified persons

appearing in the NYSE Euronext bylaws.

In addition, if:

- After a period of six months following the exercise of a Euronext call option, the Dutch foundation shall continue to hold any ordinary shares of Euronext or of one or more subsidiaries of Euronext that, taken together, represent a substantial portion of Euronext's business;
- After a period of six months following the exercise of a Euronext call option, the Dutch foundation shall continue to hold any priority shares of Euronext or priority shares or similar voting securities of one or more subsidiaries of Euronext that, taken together, represent a substantial portion of Euronext's business (provided that, in this case, the NYSE Euronext board of directors has approved of such revocation); or
- At any time, NYSE Euronext no longer holds a direct or indirect controlling interest in Euronext or in one or more subsidiaries of Euronext that, taken together, represent a substantial portion of Euronext's business;

then, the following provisions shall be revoked:

- The provisions of the proposed Amended and Restated NYSE Euronext Bylaws noted above that were subject to suspension;
- The references in the proposed Amended and Restated NYSE Euronext Certificate of Incorporation and Bylaws to European regulators, European exchange regulations, European market subsidiaries, European regulated markets, Europe and European disqualified persons;
- The provisions in the proposed Amended and Restated NYSE Euronext Certificate of Incorporation and Bylaws requiring that amendments to such certificate of incorporation or bylaws be submitted to the European market subsidiaries and, if applicable, filed with and approved by a European regulator; and
- The provisions in the proposed Amended and Restated NYSE Euronext Bylaws requiring approval of either two-thirds or more of the NYSE Euronext directors or 80% of the votes entitled to be cast by the holders of the then-outstanding shares of capital stock of NYSE Euronext entitled to vote generally in the election of directors to amend certain bylaw provisions.

In addition, any officer or director of NYSE Euronext who is a European Person shall resign or be removed from his or her office.

Transfer of Foundation and Trust Property

In no event shall the Dutch foundation or the Delaware trust sell, transfer, convey, assign, dispose, pledge (or agree to sell, transfer, convey, assign, dispose or pledge) any property of the foundation or trust, respectively, except pursuant to (1) the unwinding of the remedies (as described above) or (2) in circumstances permitted by the goveranance and option agreement (in the case of the Dutch foundation) or the trust agreement (in the case of the Delaware trust), pursuant to written instructions from NYSE Euronext approved by the board of directors of NYSE Euronext. In addition to the foregoing, any transfer, conveyance, assignment, disposition or pledge by the Trust or any Trustee of any equity interest in, or all or substantially all of the assets of, the Exchange, NYSE Market, Inc., NYSE Regulation, Inc., NYSE Arca, L.L.C., NYSE Arca or NYSE Arca Equities, Inc. (other than any such transfer or disposition to NYSE Euronext or its subsidiaries pursuant to the unwinding of remedies) shall not be effected until filed with the SEC under Section 19 of the Exchange Act.

Submission to Jurisdiction

The proposed trust agreement for the Delaware trust provides that the Delaware trust, the trustees and the officers and employees of the Delaware trust whose principal place of business and residence is outside of the United States shall be deemed to irrevocably submit to the jurisdiction of the U.S. federal courts and the SEC for the purposes of any suit, action or proceeding pursuant to the U.S. federal securities laws and the rules and regulations thereunder, commenced or initiated by the SEC arising out of, or relating to, the activities of the U.S. Regulated Subsidiaries (and shall be deemed to agree that the Delaware trust may serve as the U.S. agent for purposes of service of process in such suit, action or proceeding). Further, the Delaware trust and each such trustee, officer or employee of the Delaware trust, by virtue of his or her acceptance of any such position, shall be deemed to waive, and agree not to assert by way of motion, as a defense or otherwise in any such suit, action or proceeding, any claims that it or they are not personally subject to the jurisdiction of the SEC, that such suit, action or proceeding is an inconvenient forum or that the venue of such suit, action or proceeding is improper, or that the venue of such suit, action or proceeding is improper, or that the subject matter thereof may not be enforced in or by such courts or agency.

The governance and option agreement for the Dutch foundation will provide that the Dutch foundation, its directors, officers and employees shall be deemed to irrevocably submit to the jurisdiction of the European Regulators and to courts in the capital city of the country of each such regulator for the purposes of any suit, action or proceeding pursuant to the European Exchange Regulations and the rules and regulations thereunder, commenced or initiated by the European Regulators arising out of, or relating to, the activities of the European Market Subsidiaries. Further, the Trust, as well as each such director, officer or employee by virtue of acceptance of such position, shall be deemed to waive, and agree not to assert by way of motion, as a defense or otherwise in any such suit, action or proceeding, any claims that it or they are not personally subject to the jurisdiction of the European Regulators, that the suit, action or proceeding is an inconvenient forum or that the venue of the suit, action or proceeding is improper, or that the subject matter thereof may not be enforced in or by such courts or regulators.

Other Duties

In discharging his or her responsibilities as a trustee of the Delaware trust, the trustees shall (a) comply with the U.S. federal securities laws and the rules and regulations thereunder, (b) cooperate with the SEC and (c) cooperate with the U.S. Regulated Subsidiaries pursuant to, and to the extent of, their regulatory authority.

In addition, the Delaware trust shall comply with the U.S. federal securities laws and the rules and regulations thereunder and shall cooperate with the SEC and the U.S. Regulated Subsidiaries pursuant to and to the extent of their respective regulatory authority, and shall take reasonable steps necessary to cause its agents to cooperate, with the SEC and, where applicable, the U.S. Regulated Subsidiaries pursuant to their regulatory authority.

Initiatives by the Board of Trustees of the Delaware Trust and the Board of Directors of the Foundation

The board of the trustees of the Delaware trust shall be entitled to, and the SEC shall be entitled to request the board of trustees of the Delaware trust to, provide advice to and consult with NYSE Euronext, NYSE Group, the SEC and any other relevant persons or bodies regarding European Advocacy Actions (as defined below), and the Delaware

trust and the board of trustees of the Delaware Trust shall be entitled to take European Advocacy Actions, to prevent a new European law or legislative proposal from becoming a material adverse change of European law, both before and after the enactment of the relevant new European law or proposal. ''European Advocacy Actions'' shall consist of one or more of the following: articles, opinion letters, advertising, press releases and lobbying efforts (including those directed at any European legislative or executive body, any European Regulator or other European governmental authority or those directed at the general public).

The board of directors of the Dutch foundation shall be entitled to, and the European Regulators shall be entitled to request the board of directors of the Dutch foundation to, provide advice to and consult with NYSE Euronext, Euronext, the European Regulators and any other relevant persons or bodies regarding U.S. Advocacy Actions (as defined below), and the Dutch foundation and the board of directors of the Dutch foundation shall be entitled to take U.S. Advocacy Actions, to prevent a new U.S. law or legislative proposal from becoming a material adverse change of U.S. law, both before and after the enactment of the relevant new U.S. law or proposal. ''U.S. Advocacy Actions'' shall consist of one or more of the following: articles, opinion letters, advertising, press releases and lobbying efforts (including those directed at any U.S. legislative or executive body, the SEC, or other U.S. governmental authority or those directed at the general public).

Duration of the Dutch Foundation and Term of the Delaware Trust

With respect to the Dutch foundation, the arrangements described above will be memorialized in a governance and option agreement between, among others, NYSE Euronext, Euronext and the foundation and the articles of incorporation of the foundation. The initial term of the governance and option agreement and the Delaware trust will be ten years from the date of the completion of the Combination, renewable for successive one-year terms at the request of board of the foundation or the Euronext College of Regulators, in the case of the Dutch foundation, or the board of trustees of the trust or the Chairman of the SEC, in the case of the Delaware trust; provided, however, that any extension that would cause the term of the governance and option agreement or the Delaware trust to continue past the 20th anniversary of the date of the completion of the Combination shall require the prior written consent of NYSE Euronext. Notwithstanding anything to the contrary, NYSE Euronext shall be obligated to provide its consent to continue the term of the governance and option agreement and the Delaware trust, and the governance and option agreement and the trust agreement and the rights, powers and remedies set forth therein shall remain in full force unless and until terminated, amended or novated by the parties thereto with the prior written approval of the Euronext College of Regulators (in the case of the governance and option agreement) and the SEC (in the case of the Delaware trust). If NYSE Euronext does not provide its prior written consent to the extension of the term of the governance and option agreement or the Delaware trust, NYSE Euronext must provide written notice to the Euronext College of Regulators (in the case of the governance and option agreement) and the Chairman of the SEC (in the case of the Delaware trust) at least one year prior to the scheduled expiration of the agreement or trust, and following a request of the Euronext College of Regulators or the Chairman of the SEC, respectively, NYSE Euronext and Euronext or NYSE Group, as the case may be, will review and discuss the possibility of renewing the governance and option agreement or the Delaware trust, as applicable, or adopting alternatives based on the then existing facts and circumstances.

NYSE Group Waiver of Ownership and Voting Limitations

The Amended and Restated Certificate of Incorporation of NYSE Group was approved by the SEC on February 27, 2006 in connection with the business combination of the New York Stock Exchange, Inc. and Arca Holdings.[40] In order to ensure that the ownership of NYSE Group by the public will not unduly interfere with or restrict the ability of the SEC or the Exchange to effectively carry out their regulatory oversight responsibilities under the Exchange Act and generally to enable the Exchange to operate in a manner that complies with the U.S. federal securities laws, including furthering the objectives of Section 6(b)(5) of the Exchange Act, the Amended and Restated Certificate of Incorporation of NYSE Group imposes certain ownership and voting limitations with respect to the stock of NYSE Group (the ''NYSE Group ownership limitations'' and the ''NYSE Group voting limitations'').

NYSE Group Ownership Limitation. The Amended and Restated Certificate of Incorporation of NYSE Group provides that no person, alone or together with its related persons,[41] may own beneficially shares of NYSE Group stock representing in the aggregate more than 20% of the then outstanding votes entitled to be cast on any matter. The NYSE Group ownership limitation will apply unless and until (1) such person delivers to the board of directors of NYSE Group a notice in writing regarding its intention to acquire shares of NYSE Group stock that would cause such person, either alone or with its related persons, to own beneficially shares of stock of NYSE Group in excess of the NYSE Group ownership limitation, at least 45 days (or such shorter period as the board of directors of NYSE Group expressly consents to) prior to the intended acquisition, and (2) such person receives prior approval by the board of directors of NYSE Group and the SEC to exceed the NYSE Group ownership limitation, either alone or together with its related persons. Specifically, (1) the board of directors of NYSE Group must adopt a resolution approving such person (either alone or together with its related persons) to exceed the NYSE Group ownership limitation, (2) the resolution must be filed with the SEC under Section 19(b) of the Exchange Act and (3) such proposed rule change must be approved by the SEC and become effective thereunder.

Subject to its fiduciary obligations under the Delaware General Corporation Law, as amended (''DGCL''), before adopting any such resolution, the board of directors of NYSE Group must first determine that: (1) Such acquisition of beneficial ownership by such person, either alone or with its related persons, would not impair any of the U.S. Regulated Subsidiaries' ability to discharge their respective responsibilities under the Exchange Act and the rules and regulations thereunder and is otherwise in the best interests of NYSE Group, its stockholders and the U.S. Regulated Subsidiaries; (2) such acquisition of beneficial ownership by such person, either alone or with its related persons, will not impair the SEC's ability to enforce the Exchange Act;[42] (3) such

[40] *See* Securities Exchange Act Release No. 53382 (February 27, 2006), 71 FR 11251 (March 6, 2005).

[41] ''Related persons'' has the same meaning as set forth in footnote 19, *supra*.

[42] In making such determinations, the board of directors of NYSE Group may impose any conditions and restrictions on such person and its related persons owning any shares of stock of NYSE Group entitled to vote on any matter as the board of directors of NYSE Group in its sole discretion deems necessary, appropriate or desirable in

person and its related persons are not subject to any statutory disqualification (as defined in Section 3(a)(39) of the Exchange Act); (4) for so long as NYSE Group directly or indirectly controls NYSE Arca (formerly known as Pacific Exchange, Inc.) and NYSE Arca Equities (formerly known as PCX Equities, Inc.) or any facility of NYSE Arca, neither such person nor its related persons is an ETP Holder of NYSE Arca Equities or an OTP Holder or OTP Firm of NYSE Arca; and (5) for so long as NYSE Group directly or indirectly controls the Exchange or NYSE Market, neither such person nor its related persons is a member or member organization.

NYSE Group Voting Limitation. The NYSE Group Amended and Restated Certificate of Incorporation also provides that no person, either alone or with its related persons, shall be entitled to (1) vote or cause the voting of shares of NYSE Group stock to the extent such shares represent in the aggregate more than 10% of the then outstanding votes entitled to be cast on any matter or (2) acquire the ability to vote more than 10% of the then outstanding votes entitled to be cast on any matter by virtue of agreements entered into with other persons not to vote their shares of NYSE Group's outstanding capital stock. The NYSE Group voting limitation, as described in clauses (1) and (2) above, shall apply unless and until (1) a person delivers to the board of directors of NYSE Group a notice in writing regarding such person's intention to vote shares of NYSE Group stock that would cause such person, either alone or together with its related persons, to violate the NYSE Group voting limitation, at least 45 days (or such shorter period as the board of directors of NYSE Group expressly consents to) prior to the intended vote and (2) such person, either alone or with its related persons, receives prior approval from the board of directors of NYSE Group and the SEC to exceed the NYSE Group voting limitation. Specifically, (1) the board of directors of NYSE Group must adopt a resolution approving such person and its related persons to exceed the NYSE Group voting limitation, (2) the resolution must be filed with the SEC under Section 19(b) of the Exchange Act and (3) such proposed rule change must be approved by the SEC and become effective thereunder.

Subject to its fiduciary obligations under DGCL, before adopting any such resolution, the board of directors of NYSE Group must first determine that: (1) The exercise of such voting rights or the entering into of such agreement, plan or arrangement, as applicable, by such person, either alone or with its related persons, would not impair the ability of either NYSE Group or any of the U.S. Regulated Subsidiaries to discharge their respective responsibilities under the Exchange Act and the rules and regulations thereunder and is otherwise in the best interests of NYSE Group, its stockholders and the U.S. Regulated Subsidiaries; (2) the exercise of such voting rights or the entering into of such agreement, plan or arrangement would not impair the SEC's ability to enforce the Exchange Act; and (3) in case of a resolution to approve the exercise of voting rights in excess of 20% of the then outstanding votes entitled to be cast on such matter or the entering into of an agreement, plan or arrangement that would result in the ability to possess the right to vote or cause the voting of shares of stock of NYSE Group that would exceed 20% of the then outstanding votes entitled to be cast on such matter (a) such person and its related persons are not subject to any statutory disqualification (as defined in Section 3(a)(39) of the Exchange Act), (b) for so long as NYSE Group directly or indirectly controls NYSE Arca and NYSE Arca Equities or any facility of NYSE Arca, neither such person nor its related persons is an ETP Holder of NYSE Arca Equities or an OTP Holder or OTP Firm of NYSE Arca and (c) for so long as NYSE Group directly or indirectly controls the Exchange or NYSE Market, neither such person nor its related persons is a member or member organization. In making such determinations, the board of directors of NYSE Group may impose any conditions and restrictions on such person and its related persons owning any shares of NYSE Group stock entitled to vote on any matter as the board of directors of NYSE Group in its sole discretion deems necessary, appropriate or desirable in furtherance of the objectives of the Exchange Act and the governance of NYSE Group.

Resolutions of the NYSE Group Board of Directors. In order to allow NYSE Euronext to wholly own and vote all of NYSE Group stock upon consummation of the Combination, on August 3, 2006, NYSE Euronext delivered a written notice to the board of directors of NYSE Group pursuant to the procedures set forth in the Amended and Restated Certificate of Incorporation of NYSE Group requesting approval of its ownership and voting of NYSE Group stock in excess of the NYSE Group ownership limitation and NYSE Group voting limitation.

Among other things, in the notice, NYSE Euronext represented to the board of directors of NYSE Group that neither it, nor any of its related persons, are (1) ETP Holders of NYSE Arca Equities, OTP Holders or OTP Firms of NYSE Arca, (2) members or member organizations of the Exchange, or (3) subject to any statutory disqualification (as defined in Section 3(a)(39) of the Exchange Act).

At a meeting duly convened on August 3, 2006, the board of directors of NYSE Group adopted a resolution approving NYSE Euronext's request that it be permitted, either alone or with its related persons, to exceed the NYSE Group ownership limitation and the NYSE Group voting limitation. In adopting such resolution, the board of directors of NYSE Group determined that: (1) the acquisition of beneficial ownership of 100% of the outstanding shares of NYSE Group common stock and the exercise of voting rights with respect to 100% of the outstanding shares of NYSE Group common stock by NYSE Euronext, either alone or with its related persons, would not impair the ability of NYSE Group or any of the U.S. Regulated Subsidiaries to discharge their respective responsibilities under the Exchange Act and the rules and regulations thereunder and is otherwise in the best interests of NYSE Group, its stockholders and the U.S. Regulated Subsidiaries; (2) such acquisition of beneficial ownership and exercise of voting rights of NYSE Group common stock by NYSE Euronext, either alone or with its related persons, would not impair the SEC's ability to enforce the Exchange Act; (3) neither NYSE Euronext nor any of its related persons is subject to any statutory disqualification (as defined in Section 3(a)(39) of the Exchange Act); and (4) neither NYSE Euronext nor any of its related persons is an ETP Holder of NYSE Arca Equities, OTP Holder or OTP Firm of NYSE Arca or member or member organization of the Exchange.

The NYSE Group board of directors also approved the submission of this proposed rule change to the SEC. An extract with the relevant resolutions is attached as Exhibit 5K to the Proposed Rule Change and can be found on the Exchange's Web site and the SEC's Web site.

Request for Approval. The Exchange hereby requests that the SEC allow NYSE Euronext to wholly own and vote all of the outstanding common stock of NYSE Group, either alone or with its related persons, except for any related person of NYSE Euronext which is an

furtherance of the objectives of the Exchange Act and the governance of NYSE Group.

ETP Holder of NYSE Arca Equities, OTP Holder or OTP Firm of NYSE Arca, or member or member organization of the Exchange, upon the consummation of the Combination.

Regulation

A core aspect of the structure of the Combination is local regulation of the marketplace and, therefore, that securities exchanges of NYSE Group and Euronext will continue to be regulated in the same manner as they are currently regulated. Accordingly, the Combination is premised on the notion that:

- NYSE Group and its subsidiaries will continue to be regulated by the SEC (but will not be regulated by the European Regulators unless NYSE Group and its subsidiaries engage in activities in Europe within the jurisdiction of the European Regulators), and Euronext and its subsidiaries will continue to be regulated by the European Regulators (but will not be regulated by the SEC unless Euronext and its subsidiaries engage in activities in the United States within the jurisdiction of the SEC);
- Companies listing their securities only on markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination, and companies listing their securities only on the Exchange or NYSE Arca, will not become newly subject to European rules or regulation as a result of the Combination;
- The Combination will not cause companies that currently trade only on a Euronext exchange and are not subject to the Sarbanes-Oxley Act to become subject to the Sarbanes-Oxley Act unless those companies decide to list their securities on the Exchange, NYSE Arca or another U.S. securities exchange or register the sale of their securities under the Securities Act; and
- Members and member organizations of the Exchange, ETP Holders and Authorized Traders of NYSE Arca Equities, and OTP Firms and OTP Holders of NYSE Arca trading only on markets operated by the Exchange or NYSE Arca will not become newly subject to European rules or regulations as a result of the Combination, and members of the markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination.

Listing of NYSE Euronext Common Stock on the Exchange

Initial Listing

NYSE Euronext intends to list its shares of common stock for trading on the Exchange, as well as on Euronext Paris. Pursuant to Rule 497, any security of NYSE Euronext and its affiliates shall not be approved for listing on the Exchange unless NYSE Regulation finds that such securities satisfy the Exchange's rules for listing, and such finding is approved by the NYSE Regulation board of directors.

Continued Listing and Trading on the Exchange

NYSE Regulation will be responsible for all Exchange listing-compliance decisions with respect to NYSE Euronext as an issuer. NYSE Regulation will prepare a quarterly report, as described in Rule 497(c)(1), summarizing its monitoring of NYSE Euronext common stock's compliance with such listing standards. This report will be provided to the NYSE Regulation board of directors and a copy will be forwarded promptly to the SEC. Once a year, an independent accounting firm will review NYSE Euronext's compliance with the Exchange's listing standards and a copy of its report will be forwarded promptly to the SEC. If NYSE Regulation determines that NYSE Euronext common stock is not in compliance with any applicable listing standard of the Exchange, NYSE Regulation shall notify NYSE Euronext promptly and request a plan for compliance. Within five business days of providing such notice to NYSE Euronext, NYSE Regulation shall file a report with the SEC identifying the date on which NYSE Euronext common stock was not in compliance with the listing standard at issue and any other material information conveyed to NYSE Euronext in the notice of non-compliance. Within five business days of receiving a plan of compliance from the issuer, NYSE Regulation will notify the SEC of such receipt, whether the plan was accepted by NYSE Regulation or what other action was taken with respect to the plan, and the time period provided to regain compliance with the Exchange's listing standard, if any.

Organizational Documents of NYSE Group, the Exchange, NYSE Market and NYSE Regulation

Pursuant to the Combination, NYSE Group will merge with a wholly owned subsidiary of NYSE Euronext and the surviving corporation will be a wholly owned subsidiary of NYSE Euronext. Following the merger, the organizational documents of the surviving corporation (which shall be named ''NYSE Group, Inc.'' although the current NYSE Group may not be the surviving corporation) will be those currently in effect for NYSE Group, except that certain provisions will be amended to reflect that, after the Combination, NYSE Group will be an intermediate holding company. Specifically:

- The voting and ownership limitations of NYSE Group will not be applicable so long as NYSE Euronext and the Delaware trust collectively own all of the capital stock of NYSE Group. Instead, while NYSE Group is a wholly owned subsidiary of NYSE Euronext, there shall be no transfer of the shares of NYSE Group held by NYSE Euronext without the approval of the SEC. If NYSE Group ceases to be wholly owned by NYSE Euronext or the Delaware trust, the current voting and ownership limitations will apply;
- The transfer restrictions of NYSE Group will be eliminated because they now appear in the NYSE Euronext charter;
- The number of authorized shares of NYSE Group will be decreased;
- The director independence requirements will be eliminated; [43]
- A majority of the board must be U.S. Persons;
- Board vacancies may be filled by the remaining board members as well as the shareholders, and vacancies created by the departure of a U.S. Person must be filled with a U.S. Person;
- Directors may be removed at any time by the shareholders;
- Provisions requiring a supermajority vote of shareholders to amend or repeal certain sections of the charter of NYSE Group will be deleted;
- Provisions prohibiting NYSE Group shareholders from calling shareholder meetings, taking shareholder action by written consent and postponing shareholder meetings will be deleted;
- Provisions requiring advance notice from shareholders of shareholder director nominations or shareholder proposals will be eliminated; and
- Provisions relating to the mechanics of shareholders' meetings, such as the appointment of an inspector of elections, inspection of shareholder lists and opening and closing of polls will be deleted.

The Proposed Rule Change includes modified versions of certain organizational documents of the Exchange, NYSE Market and NYSE Regulation so that certain references to NYSE Group become references to

[43] The current NYSE Group Independence Policy will also be eliminated.

NYSE Euronext. Specifically, under the current organizational documents of the Exchange, NYSE Market and NYSE Regulation:

- A majority of the directors of each of the Exchange and NYSE Market must be directors of NYSE Group that satisfy the independence requirements of the board of directors of NYSE Group;
- All of the directors of NYSE Regulation (other than the chief executive officer of NYSE Regulation) must satisfy the independence requirements of the board of directors of NYSE Group; and
- The Nominating and Governance Committee of NYSE Group is responsible for nominating the candidates to the boards of directors of the Exchange and NYSE Market, and for determining the eligibility of such candidates to serve on such boards (including whether such person qualifies as independent under the independence policy of the NYSE Group board of directors, and whether such person is free of any statutory disqualification (as defined in section 3(a)(39) of the Exchange Act)).

The Proposed Rule Change includes modified versions of the organizational documents of the Exchange, NYSE Market and NYSE Regulation so that the references to NYSE Group in the prior sentence will be replaced with NYSE Euronext. Accordingly, after the Combination:

- A majority of the directors of each of the Exchange and NYSE Market must be directors of NYSE Euronext that satisfy the independence requirements of the board of directors of NYSE Euronext;
- The Exchange's non-affiliated directors must qualify as independent under the NYSE Euronext Independence Policy;
- All of the directors of NYSE Regulation (other than the chief executive officer of NYSE Regulation) must satisfy the independence requirements of the board of directors of NYSE Euronext; and
- The Nominating and Governance Committee of NYSE Euronext will be responsible for nominating the candidates to the boards of directors of the Exchange and NYSE Market, and for determining the eligibility of such candidates to serve on such boards (including whether such person qualifies as independent under the independence policy of the NYSE Euronext board of directors, and whether such person is not a U.S. Disqualified Person).

The Proposed Rule Change also includes modifications to the organizational documents of the Exchange, NYSE Market and NYSE Regulation so that the a transfer of the equity interests of the Exchange, NYSE Market and NYSE Regulation pursuant to the terms of the trust agreement for the Delaware trust is permitted under such organizational documents.

The modified versions of the organizational documents of the Exchange, NYSE Market and NYSE Regulation contain a number of additional technical changes. The modified versions of the organizational documents of the Exchange, NYSE Market and NYSE Regulation also shorten the time period for member organizations to vote for ''fair representation'' candidates. Currently, if the number of ''fair representation'' candidates nominated for election to the boards of directors of each of the Exchange, NYSE Market and NYSE Regulation exceeds the number of available ''fair representation'' positions on such boards, member organizations of the Exchange have twenty business days to submit their votes for the ''fair representation'' candidates. Based on recent experience, the Exchange believes that twenty calendar days provides member organizations with ample time to vote for the ''fair representation'' candidates.

The organizational documents of the Exchange, NYSE Market and NYSE Regulation will be modified to require that a majority of the directors of the boards of each of the Exchange, NYSE Market and NYSE Regulation be U.S. Persons and any vacancies on such boards created by the departure of a U.S. Person must be filled with a U.S. Person. Additionally, the organizational documents of the Exchange, NYSE Market and NYSE Regulation will be amended to state that any person not elected or appointed in accordance with the board qualifications of the relevant organizational documents will not be qualified to serve, and therefore will not be elected to serve, as a director.

The Amended and Restated Operating Agreement of the Exchange, which currently provides that additional capital contributions may be made with the written consent of the limited liability company member, will be amended to state that the sole limited liability company member may make additional contributions in its sole discretion. The NYSE Market Bylaws, which currently provide that the chief executive officer of NYSE Group must be the chief executive officer of NYSE Market, will be amended to require that the chief executive officer of NYSE Market be a U.S. Person. The NYSE Market Bylaws, which currently provide that special stockholder meetings may be called by the Chairman of the Board, the President or the Secretary or by resolution of the board, will be amended to also allow the Chief Executive Officer of NYSE Market to call a special stockholder meeting.

Finally, the NYSE Regulation Amended and Restated Bylaws will be modified to provide that any action required or permitted to be taken at any meeting of the NYSE Regulation board of directors or any committee thereof may be taken without a meeting if a written consent thereto is signed by all members of the NYSE Regulation board of directors or such committee (as opposed to a majority of such members, as the current NYSE Regulation Amended and Restated Bylaws provide).[44]

The Exchange notes that, immediately following the Combination, none of the directors of NYSE Group, the Exchange, NYSE Market or NYSE Regulation who currently serve will have been elected or appointed pursuant to the modified processes described above (i.e., they will not have been elected or appointed by the Nominating and Governance Committee of NYSE Euronext). However, the Exchange represents that, with the exception of NYSE Group, the current board members of the Exchange, NYSE Market or NYSE Regulation—including the ''fair representation'' directors—will continue to be qualified to serve on, and will remain on, the boards of each of the Exchange, NYSE Market and NYSE Regulation following the consummation of the Combination. Upon the consummation of the Combination, the current directors of NYSE Group will resign and a three-person board composed of certain members of NYSE Group management will be appointed to serve on the board of NYSE Group.

Rules of the Exchange

The Exchange proposes technical amendments to certain of the Exchange Rules to reflect the Combination, which, after the Combination, will remain the rules of the Exchange. The technical amendments consist of deleting all references to ''NYSE Group, Inc.'' or ''NYSE Group'' in the Exchange Rules and replacing those references with ''NYSE Euronext,'' which will be the parent company of the Exchange following the Combination. The Exchange also proposes to delete Exchange Rule 497T, which is now obsolete. In addition, the Exchange proposes to amend Exchange Rule 2B to clarify that, if a director of an affiliate

[44] This modification conforms to the provisions of the New York Not-for-Profit Corporation Law.

of a member organization serves as a director of NYSE Euronext, this fact shall not cause such member organization to be an affiliate of the Exchange, or an affiliate of an affiliate of the Exchange. The proposed amended Exchange Rules are attached to the Proposed Rule Change as Exhibit 5L [45] and can be found on the Exchange's Web site and on the SEC's Web site.

2. Statutory Basis

The Exchange believes that this filing is consistent with Section 6(b) of the Exchange Act,[46] in general, and furthers the objectives of Section 6(b)(1) [47] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that this filing furthers the objectives of Section 6(b)(5) [48] of the Exchange Act because the rules summarized herein would create a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

2. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

[45] The following Exchange Rules being amended in this filing are currently the subject of pending, proposed amendments previously filed with the SEC: (1) Rule 103B (*see* Exchange Act Release No. 53602 (April 5, 2006), 71 FR 18791 (April 12, 2006) (SR–NYSE–2005–40)) and (2) Rule 104 (*see* Exchange Act Release No. 51048 (January 18, 2005), 70 FR 4171 (January 28, 2005) (SR–NYSE–2004–70)). *See also* SR–NYSE–2006–99 (filed on November 9, 2006); and SR–NYSE–2006–100 (filed on November 9, 2006).

[46] 15 U.S.C. 78f(b).

[47] 15 U.S.C. 78f(b)(1).

[48] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2006–120 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9010.

All submissions should refer to File Number SR–NYSE–2006–120. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. 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–NYSE–2006–120 and should be submitted on or before January 29, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[49]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E7–17 Filed 1–5–07; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55016; File No. SR–SCCP–2006–04]

Self-Regulatory Organizations; Stock Clearing Corporation of Philadelphia; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees Associated With the Trade Processing of Equity Securities in Connection With XLE

December 28, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder [2] notice is hereby given that on November 2, 2006, Stock Clearing Corporation of Philadelphia (''SCCP'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by SCCP. SCCP filed the proposed rule change under Section 19(b)(3)(A)(ii) [3] of the Act and Rule 19b–4(f)(2) [4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

SCCP proposes to amend its fee schedule to reflect fees associated with the trade processing of equity securities through SCCP in connection with the new equity trading system of the Philadelphia Stock Exchange, Inc.

[49] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

(''Phlx'') (''XLE'').[5] Under XLE, Phlx will no longer operate a physical trading floor for equity securities or the Philadelphia Stock Exchange Automated Communication and Execution (''PACE'')[6] system. Therefore, SCCP proposes to amend its fee schedule as set forth below to: (1) Accommodate the trade processing of equity securities on XLE once XLE is launched; (2) delete any fees that will become obsolete under XLE, and (3) make other minor technical changes to its fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, SCCP 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. SCCP has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend SCCP's fee schedule to accommodate the trade processing of equity securities on XLE once XLE is launched.[7] The fees will be assessed on SCCP participants. Specifically, SCCP will change its account fees by charging an account maintenance fee of $150.00 per month for RIO accounts with 20 or fewer trades per month and $250.00 per month for RIO accounts with over 20 trades per month. An account maintenance fee of $650.00 per month will be assessed for margin accounts.[8]

SCCP will also charge the following trade recording fees for XLE trades: $0.47 per side for Blue tickets;[9] $0.30 per trade (maximum of $100,000 per month) for XLE market maker[10] trades cleared through a SCCP margin account; and $0.47 per trade for proprietary trades cleared through a SCCP margin account. SCCP will not charge trade recording fees for any other XLE trades.

SCCP is renaming its ''value fees'' as ''transaction fees'' on Blue tickets and Yellow tickets. Those fees will be $0.0012 per share per side for RIO accounts and $0.035 per $1,000 of contract value per side for margin accounts. The maximum transaction fee for both RIO and margin accounts will be $25.00 per trade per side.[11]

SCCP believes that the fees set forth above are competitive and should help to encourage Phlx members to clear through SCCP.

SCCP proposes to delete: (1) Trade recording fees for PACE trades and for specialist trades matching with PACE trades; (2) specialist (other than remote specialists) discounts for trades cleared through a SCCP margin account; (3) ETF fees, along with associated disclaimers; and (4) SCCP transaction charges (remote specialists only). The purpose of these deletions is to update the fee schedule to delete the charges that have become obsolete under XLE. The purpose of making the minor technical changes to SCCP's fee schedule, such as renumbering the categories of fees, is to update the fee schedule to incorporate the proposed changes described above.

The remaining fees on the SCCP fee schedule will continue to be assessed on SCCP members.[12]

SCCP believes that proposed rule change is consistent with Section 17A of the Act and with Section 17A(b)(3)(D) in particular because it provides for the equitable allocation of reasonable fees and other charges among its participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[13] and Rule 19b–4(f)(2)[14] thereunder because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–SCCP–2006–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–SCCP–2006–04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/*

[5] XLE will provide the opportunity for entirely automated executions to occur within a central matching system accessible by Phlx members and member organizations and their sponsored participants. Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006) [File No. SR–Phlx–2006–43]. Phlx filed a separate proposed rule change [File No. SR–Phlx–2006–70] with the Commission to adopt a Phlx fee schedule for trading equity securities on XLE.

[6] PACE was Phlx's order routing, delivery, execution, and reporting system for its equity trading floor. Exchange Rules 229 and 229A.

[7] The text of the amended fee schedule can be found at *http://www.phlx.com/SCCP/sccp_rules/SR-SCCP-2006-04.pdf*

[8] The term ''RIO'' means Regional Interface Organization, which is the system through which SCCP transmits and receives trade data from the National Securities Clearing Corporation (''NSCC'') for SCCP members that are also NSCC members. SCCP Rule 1.

[9] A Blue ticket refers to a Phlx XLE execution where the clearing information is then submitted to SCCP from a source other than XLE, such as orders entered over technology provided by Phlx for two-sided orders.

[10] The term ''market maker'' refers to a Phlx member organization that acts as a market maker pursuant to Phlx Rules 170 *et seq.* Phlx Rule 1(1).

[11] Thus, a SCCP participant that currently uses a RIO account and submits orders to the Phlx through Phlx's PACE system would not experience a material increase in their trade recording fees and transaction (formally value) fees under this proposal by continuing to use a RIO account and submitting orders to Phlx through the XLE system.

[12] These fees include additional suffix account fees, non-XLE trade recording fees for Yellow tickets, treasury transactions, margin account interest, research fees, computer transmissions/tapes, P&L statement charges, buy-ins, and trade ticket adjustment fees.

[13] 15 U.S.C. 78(s)(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

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. Copies of the filing also will be available for inspection and copying at the principal office of SCCP. 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–SCCP–2006–04 and should be submitted on or before January 29, 2007.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6–22659 Filed 1–5–07; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that are included in this notice are for approvals of a new information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below: (SSA), Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–965–6400.

The information collection listed below is pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454 or by writing to the address listed above.

Accelerated Benefits Demonstration Project—0960–NEW

The Accelerated Benefits Demonstration Project is a multi-phase study designed to assess whether providing new SSI disability recipients with certain benefits will stabilize or improve their health and help them return to work early. In this long-term study, new SSI disability recipients (i.e., those who have just begun receiving benefits and who have at least 18 months remaining before they qualify for Medicare) will be divided into three groups: (1) A control group who will just receive their regular SSI benefits; (2) a treatment group who will receive immediate access to health care benefits; and (3) a treatment group who will receive health care benefits and additional care management, employment, and benefits services and support. The study, which will be conducted for SSA by research contractors and health care experts, will assess if the additional medical benefits and employment supports help new beneficiaries improve and return to work earlier and if there is a difference between the treatment groups. The respondents are beneficiaries who have just begun receiving SSI disability benefits and are not yet eligible for Medicare health benefits.

Type of Request: New information collection.

Part of study	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Focus Groups	40	1	120	80
Pilot Survey	500	1	30	250
Actual Survey/Assessment of Treatment Efficacy ("Baseline Survey")	2,000	1	30	1,000
Three-Month Follow-Up Survey ("Early Use Survey")	480	1	30	240
Total	3,020			1,570

Dated: December 29, 2006.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. E6–22643 Filed 1–5–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 5661]

Bureau of Political-Military Affairs: Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated pursuant to sections 36(c) and 36(d) and in compliance with section 36(f) of the Arms Export Control Act (22 U.S.C. 2776).

DATES: *Effective Date:* As shown on each of the 38 letters.

FOR FURTHER INFORMATION CONTACT: Ms. Susan M. Clark, Director, Office of

[15] 17 CFR 200.30–3(a)(12).

Defense Trade Controls Licensing, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State, (202) 663–2023.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

August 30, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of major defense equipment sold commercially under contract in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of Hellfire II (AGM–114K–3) Anti-Tank Missiles and reusable containers, as well as a test set and spares to Saudi Arabia for use by the Ministry of Defense, Government of the Kingdom of Saudi Arabia for anti-armor defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 028–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 5, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data to Belgium for the manufacture of F101, F110 and F118 series military aircraft engine components.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 025–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 5, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense services, technical data and defense articles for the development of the Integrated Weapon System for the Norwegian Frigate Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 031–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of technical data and defense services to the Republic of Korea to support the manufacture and servicing of K–1 and K–1A1 Tank Gun Turret Drive and Stabilization Systems and System Parts for the Republic of Korea.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 038–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 15, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) & (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles and services in the amount of $100,000,000 or more.

The transaction described in the attached certification involves the transfer of technical data, defense services and hardware to Canada for the manufacture of Automatic and Semi-Automatic Rifles and Carbines up to .50 Caliber and 40mm Grenade launchers.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 011–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 15, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of a commercial communications satellite for launch, from Kazakhstan, and related support equipment.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 034–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 15, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) & (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer to Japan of technical data, defense services and hardware for the manufacture of the F–2 Aircraft for the Japan Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 036–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 15, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export and launch of a commercial communications satellite, and related support equipment, from the Pacific Ocean/International Waters/French Guiana.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 043–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 15, 2006.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment.

The transaction described in the attached certification involves the transfer of technical data, assistance and manufacturing know-how to the United Kingdom for the manufacture of the Centaur High Capacity Data Radio for sale to Poland.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 048–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 15, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services, technical data and hardware to Iraq to upgrade the UH–1H to the Huey II Configuration and for the basic and intermediate maintenance of the Huey II helicopter.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 049–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 15, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Japan for the manufacture of the AN/APG–63(V)0 radar system kits for the Japanese Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 052–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 21, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $50,000,000.

The transaction contained in the attached certification involves the manufacture of 30mm GAU–8/A ammunition and ammunition components in Switzerland for sale to Governmental entities in the authorized sales territory.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 020–06.

September 21, 2006.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and provision of defense services to the United Kingdom for the E–3D Sentry, Airborne Early Warning and Control System (AWACS) Whole Life Support Program for the United Kingdom Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 040–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 21, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more for a NATO country.

The transaction contained in the attached certification involves the purchase of one (1) C–17 cargo aircraft by the United Kingdom Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 058–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 29, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Australia, Canada and the United Kingdom for the development and operation of the Space Based Infrared System (SBIRS) for the U.S. Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 045–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 29, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and defense articles for the Asiasat 5 commercial communications satellite to Hong Kong.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 047–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 29, 2006.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of technical data defense articles and services for licensed production of 10,000 FLYER ITV–I Light Weight Military Vehicles for the Government of India.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 050–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 29, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and defense articles for the manufacture of the AAV7A1 Amphibious Assault Vehicle for sale to the Republic of Korea and marketing to the United Arab Emirates.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 051–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 29, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and defense articles for the VINASAT–1 commercial communications satellite to Vietnam.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 053–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 29, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of proposed license for the export of defense articles or defense services sold commercially under a contact in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer of technical data and services to Canada for the design, development, manufacture, testing, and delivery of systems and components for the AH–64 Apache Helicopter Drive System.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 055–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

September 29, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of PanAmSat-11 commercial communications satellite to Russia and Kazakhstan foe the launch. Transfer of ownership to the U.S.

company will be made once the satellite is in orbit.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 056–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 6, 2006.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction described in the attached certification involves the transfer of hardware, technical data, assistance and manufacturing know-how to Canada, Israel, Spain, and Taiwan for the manufacture of small caliber ammunition.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 065–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 6, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to France for the integration, operation, repair, testing and maintenance of the Paveway II™, Paveway III™ and Enhanced Paveway II™ for the French Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 069–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense articles and services to Israel for operational support, maintenance and overhaul of F110–GE–100, F110–GE–100A/D and F110–GE–100B Aircraft Engines for the Israeli Ministry of Defence.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 041–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of technical data, defense articles and services for the manufacture of Hydroxy Terminated Polyether (HTPE) rocket motor solid propellant for use in a Japanese demonstration program for a new solid rocket booster applicable to ship launched surface-to-air missiles.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 057–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data to Sweden for the manufacture of F404 / RM12 gas turbine military aircraft engines and components.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 060–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, hardware and defense services to Canada and Australia to support the manufacture, procurement, assembly and testing of new components necessary to upgrade Light Armored Vehicle (LAV 25) turrets for end-use in Canada, Australia, New Zealand, Kuwait and the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 061–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export to Norway of technical data, defense services and hardware for the manufacture of the M–72 Lightweight Anti-Armor Weapon System variants and associated product improvements for sales in the U.S. and various other countries.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 062–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearms sold commercially under contract in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of firearms to Belgium, for ultimate distribution to end users in Austria, Belgium, Czech Republic, Denmark, Finland, France, Greece, Germany, Hungary, Holland, Italy, Republic of Ireland (excluding Northern Ireland), Luxemburg, Netherlands, Norway, Portugal, Poland, Spain, Sweden, Switzerland, and the United Kingdom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 066–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction described in the attached certification involves the transfer of technical data, assistance and manufacturing know-how to Japan for the manufacture of component parts and the assembly of those component parts and component parts provided into completed F15J/DJ Aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.
December 7, 2006.

Enclosure: Transmittal No. DTC 068–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and defense articles for the manufacture in Singapore of aircraft accessory fabricated/machined parts, components and sub-assemblies for return to the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 070–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of three Sikorsky (United Technologies) S–92A VH-X helicopters to the South Korean Air Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 071–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction described in the attached certification involves the transfer of technical data, assistance and manufacturing know-how to the United Kingdom for the manufacture of component parts and the assembly of those component parts into completed SICGARS Advanced Tactical Communication Systems, Vehicle Amplifiers, and Radio Frequency Power Amplifiers.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 072–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data to Singapore for the operational and intermediate support, and depot level maintenance and overhaul of the F110-GE–129 family of military aircraft engines.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the

applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 073–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and defense articles for the manufacture in the United Kingdom of the Control Actuation System for use on the Guided Multiple Launch Rocket System.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 074–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Mexico for the manufacture of electrical connectors for use in various U.S. military land, air and sea vehicles.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 076–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 7, 2006.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to the Unite Kingdom for the upgrade of the United Kingdom Ministry of Defence's existing lamp-based Directional Infrared Countermeasures Systems to the current laser-based version to better protect aircraft deployed in support of Operations Enduring Freedom and Iraqi Freedom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 077–06.

Hon. J. Dennis Hastert, *Speaker of the House of Representatives.*

December 8, 2006.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of technical data, defense articles and services for the manufacture of Wideband [Tactical Common Data Link (TCDL)] and Narrow Band Data Link (NBDL) subassemblies for the Watchkeeper Program for the British Army.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Jeffrey T. Bergner,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 063–06.

Dated: December 29, 2006.

Susan M. Clark,

Director, Office of Defense Trade Controls Licensing, Department of State.

[FR Doc. E7–32 Filed 1–5–07; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Draft Advisory Circulars, Other Policy Documents and Proposed Technical Standard Orders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: This is a recurring Notice of Availability, and request for comments, on draft advisory circulars (ACs), other policy documents, and proposed technical standard orders (TSOs) currently offered by Aviation Safety.

SUMMARY: The FAA's Aviation Safety, an organization responsible for the certification, production approval, and continued airworthiness of aircraft, and certification of pilots, mechanics, and others in safety related positions, publishes proposed non-regulatory documents that are available for public comment on the Internet at *http://www.faa.gov/aircraft/draft_docs/.*

DATES: We must receive comments on or before the due date for each document as specified on the Web site.

ADDRESSES: Send comments on proposed documents to the Federal Aviation Administration at the address specified on the Web site for the document being commented on, to the attention of the individual and office identified as point of contact for the document.

FOR FURTHER INFORMATION CONTACT: See the individual or FAA office identified on the Web site for the specified document.

SUPPLEMENTARY INFORMATION: Final advisory circulars, other policy documents, and technical standard orders (TSOs) are available on FAA's Web site, including final documents published by the Aircraft Certification Service on FAA's Regulatory and Guidance Library (RGL) at *http://rgl.faa.gov/.*

Comments Invited

When commenting on draft ACs, other policy documents or proposed TSOs, you should identify the document by its number. The Aviation Safety organization, will consider all comments received on or before the closing date before issuing a final document. You can obtain a paper copy of the draft document or proposed TSO by contacting the individual or FAA office responsible for the document as identified on the Web site. You will find the draft ACs, other policy documents and proposed TSOs on the ''Aviation Safety Draft Documents Open for

Comment'' Web site at *http://www.faa.gov/aircraft/draft_docs/*. For Internet retrieval assistance, contact the AIR Internet Content Program Manager at 202–267–8361.

Background

We do not publish an individual **Federal Register** Notice for each document we make available for public comment. On the Web site, you may subscribe to our service for e-mail notification when new draft documents are made available. Persons wishing to comment on our draft ACs, other policy documents and proposed TSOs can find them by using the FAA's Internet address listed above. This notice of availability and request for comments on documents produced by Aviation Safety will appear again in 30 days.

December 27, 2006.

Terry Allen,

Acting Manager, Production and Airworthiness Division, Aircraft Certification Service.

[FR Doc. 06–9995 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; Craig Municipal Airport; Jacksonville, FL

AGENCY: Federal Aviation Administration, DOT.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Jacksonville Airport Authority for Craig Municipal Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Craig Municipal Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before June 20, 2007.

DATES: *Effective Date:* The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is December 22, 2006. The public comment period ends February 20, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Lindy McDowell, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Dr., Suite 400, Orlando, Florida 32822, (407) 812–6331, Extension 130. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Craig Municipal Airport are in compliance with applicable requirements of part 150, effective December 22, 2006. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before June 20, 2007. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., Section 47503 (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken to proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The Jacksonville Airport Authority submitted to the FAA on February 16, 2006 noise exposure maps, descriptions and other documentation that were produced during the Craig Municipal Airport FAR part 150 Noise and Land Use Compatibility Study conducted between August 2004 and November 2005. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47503 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Jacksonville Airport Authority. The specific documentation determined to constitute the noise exposure maps includes: Map A, 2006 Noise Exposure Map; Map B, 2011 Noise Exposure Map; Table 7–1, Historic and Project Aircraft Operations; Table 7–2, 2004 Activity Profile; Table 7–3, 2009 Activity Profile; Table 8–1, 2004 Military Operations and Fleet Mix; Table 8–2, 2009 Military Operations and Fleet Mix; Table 8–3, 2004 Itinerant General Aviation Operations and Fleet Mix; Table 8–4, 2004 Local General Aviation Operations and Fleet Mix; Table 8–5, 2009 Itinerant General Aviation Operations and Fleet Mix; Table 8–6, 2009 Local General Aviation Operations and Fleet Mix; Exhibit 8–1, Aircraft Flight Tracks—Arrivals; Exhibit 8–2, Aircraft Flight Tracks—Departures; Exhibit 11–1, VFR Noise Abatement Departure Flight Tracks; Exhibit 11–2, VRF Noise Abatement Arrival Flight Tracks; Table 8–7, 2004 and 2009 Propeller Aircraft Flight Track Usage; Table 8–8, 2004 and 2009 Jet Aircraft Flight Track Usage; Table 8–9, 2004 and 2009 Local Pattern Flight Track Usage; Exhibit 8–3, Draft 2004 DNL Noise Contours; Exhibit 8–4, Draft 2009 DNL Noise Contours; Exhibit 9–1, Noise Sensitive Areas, Table 9–3, Noise Sensitive Sites; Exhibit 9–2, 2004 DNL Noise Contours with Land Use; Exhibit 9–3, 2004 DNL Noise Contours with Existing Zoning; Exhibit 9–4, 2009 DNL Noise Contours with Land Use; Exhibit 9–5, 2009 DNL Nose Contours with Existing Zoning; and Table 9–4, Estimated Population within 2004 and 2009 DNL Contours. The FAA has determined that these maps for Craig Municipal Airport are in compliance with applicable requirements. This determination is effective on December 22, 2006. FAA's determination on the airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example,

which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Craig Municipal Airport, also effective on December 22, 2006. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before June 20, 2007.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise computability program are available for examination at the following locations: Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Dr., Suite 400, Orlando, Florida 32822.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Dated: December 22, 2006.

W. Dean Stringer,

Manager, Orlando Airports District Office.

[FR Doc. 06–9997 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2006–06

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory; center sill cracks on 89-foot flat cars used to haul containers of municipal solid waste.

SUMMARY: FRA is issuing Safety Advisory 2006–06, in order to provide interested parties information related to the potential failure (cracking and breakage) of the center sills on 89-foot flat cars carrying containers in municipal solid waste (MSW) service.

FOR FURTHER INFORMATION CONTACT: Ronald Newman, Staff Director, Motive Power and Equipment Division (RRS–14), FRA Office of Safety Assurance and Compliance, 1120 Vermont Avenue, NW., Washington, DC 20590, telephone: (202) 493–6241 or Michael Masci, Trial Attorney, 1120 Vermont Avenue, NW., Washington, DC 20590, telephone: (202) 493–6037.

SUPPLEMENTARY INFORMATION: FRA was recently made aware of a series of failed center sills on MSW 89-foot flat cars. Among these failures were two cars from the USWX 20000 series. Car USWX 20242 experienced a center sill failure at North Bergen, New Jersey on May 18, 2006, and car USWX 20226 experienced a failure at Harlem River Yard in New York on June 8, 2006. The failed center sill on car USWX 20242 resulted in an undesired emergency brake application and narrowly avoided a derailment. The center sill on car USWX 20226 was found to have an Association of American Railroad (AAR) center sill patch applied in the breakage area when inspected after the incident.

Both cars were manufactured by Trinity, Industries (Trinity) in 2000 and are used to carry containers of MSW to several host landfill sites. These cars are operated predominately in the northeast quadrant of the United States rail network by CSX Transportation, Incorporated (CSX) and Norfolk Southern Corporation (NS). The cars are owned by USA Waste Services, Incorporated (USWS) and operate between USWS loading sites in New Jersey and New York and their landfill in Waverly, Virginia. In mid-June, two additional cars were brought to FRA's attention. These incidents involved car USWX 638446 (cracked center sill) near Petersburg, Virginia on June 11, 2006, and car JTSX 400175 (cracked side sill) near Selkirk, New York on June 12, 2006.

As a result of these four reported incidents, FRA invited the parties involved with these failures to attend an open discussion in Washington, DC, on June 16, 2006. Representatives from AAR, USWS, David J. Joseph Company, Trinity, CSX, NS, and FRA Regional MP&E Specialists attended this meeting. At this meeting, FRA expressed its concerns with regard to 89-foot flat cars being used in this MSW service. Topics addressed at this meeting included: Design and loading concerns, transportation and inspection of equipment, repairs, handling of defective cars, and safety action plans. Information developed from this meeting revealed that a potential overloading problem with cars in MSW service possibly was causing or contributing to sill cracking and breakage.

Subsequent to this meeting, FRA sent a letter to USWS on June 29, 2006, recommending that USWS implement a comprehensive car inspection program and to review the loading and unloading procedures used by its employees to identify and remedy the potential causes for this type of damage. FRA also recommended that CSX and NS conduct joint mechanical inspections and work with the AAR in developing appropriate engineering standards and loading rules to address similarly affected loaded waste cars. On July 10, 2006, USWS responded to FRA stating that a pro-active program was being undertaken by USWS for cars owned by them performing MSW service. Based on the positive industry response to the safety concerns raised by FRA, the agency continued to monitor the use of flat cars in MSW service and is aware of the following additional cars that have experienced cracked center sills:

1. ECCX 97072 on June 22, 2006, in Waycross, Georgia.
2. ECCX 97098 on June 22, 2006, in Waycross, Georgia.
3. ECCX 97072 on June 22, 2006, in Waycross, Georgia.
4. ECCX 97111 on June 22, 2006, in Waycross, Georgia.
5. DTTX 64043 on September 14, 2006, in Elizabeth, New Jersey.
6. ECXX 20046 on November 26, 2006, in Marshville, North Carolina.
7. ECXX 20043 on December 1, 2006, in Sabot, Virginia.

Based on information provided by the AAR, it appears that the ECXX cars are owned and operated by ECDC Environmental located in Salt Lake City, Utah, and the DTTX car is owned by Trailer Train Company in Chicago, Illinois.

At this time, FRA is not aware of any derailments attributed to the center sill failures on any of these cars. However, due to the severity and nature of the cracking and breaks in the center sills of these flat cars, and the high density traffic corridors in which the cars operate, FRA feels compelled to advise car owners and operating railroads of the potential for catastrophic failures and/or derailments involving these cars. FRA mechanical field inspectors will be conducting periodic nationwide inspections of this equipment to ascertain the magnitude of the car population and to gather further information regarding any failures. At this time, it appears that many of the above noted cars may have been overloaded or compacted, which may have contributed to center sill cracking and failure. Additional supplements to this Safety Advisory may follow as cause of the cracking and remedial measures are identified.

Recommended Action

In recognition of the need to ensure safety, FRA recommends that railroads and car owners carefully inspect the center sills of all flat cars used to carry containers of MSW. FRA further recommends that any such car found with a crack or cracks of any size in the center sill area be immediately bad ordered and sent to an appropriate shop for repairs consistent with quality shop repair.

Failure of car owners and railroads to voluntarily take action consistent with the above recommendation may result in FRA pursuing other corrective measures to enforce public safety under its rail safety authority. FRA may modify Safety Advisory 2006–06, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the nation's railroads.

Issued in Washington, DC on January 3, 2007.

Jo Strang,

Associate Administrator for Safety.

[FR Doc. E7–29 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)93) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986): Kuwait, Lebanon, Libya, Qatar, Saudi Arabia, Syria, United Arab Emirates, Yemen, Republic of.

Iraq is not included in this list, but its status with respect to future lists remains under review by the Department of the Treasury.

Dated: January 1, 2007.

Harry J. Hicks III,

International Tax Counsel (Tax Policy).

[FR Doc. 07–10 Filed 1–5–07; 8:45 am]

BILLING CODE 4180–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8610 and Schedule A (Form 8610)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8610, Annual Low-Income Housing Credit Agencies Report, and Schedule A (Form 8610), Carryover Allocation of Low-Income Housing Credit.

DATES: Written comments should be received on or before March 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carolyn N. Brown, at (202) 622–6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet, at *Carolyn N. Brown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Form 8610, Annual Low-Income Housing Credit Agencies Report, and Schedule A (Form 8610), Carryover Allocation of Low-Income Housing Credit.

OMB Number: 1545–0990.

Form Number: Form 8610 and Schedule A (Form 8610).

Abstract: State housing credit agencies (Agencies) are required by Code section 42(l)(3) to report annually the amount of low-income housing credits that they allocated to qualified buildings during the year. Agencies report the amount allocated to the building owners and to the IRS in Part I of Form 8609. Carryover allocations are reported to the Agencies in carryover allocation documents. The Agencies report the carryover allocations to the IRS on Schedule A (Form 8610). Form 8610 is a transmittal and reconciliation document for Forms 8609, Schedule A (Form 8610), binding agreements, and election statements.

Current Actions: There were 3 line items deleted on Form 8610 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal governments.

Estimated Number of Respondents: 53.

Estimated Time per Respondent: 105 hours, 38 minutes.

Estimated Total Annual Burden Hours: 5,599.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will

be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 28, 2006.

Allan M. Hopkins,

IRS Reports Clearance Officer.

[FR Doc. E6–22646 Filed 1–5–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0523]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0523'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Initiative Coordination Service (005G1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0523'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Loan Analysis, VA Form 26–6393.

OMB Control Number: 2900–0523.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–6393 is used to determine a veteran-borrower qualification for a VA-guaranteed loan. Lenders complete and submit the form to provide evidence of their decision to submit a prior approval loan application or close a loan on the automatic basis is based upon appropriate application of VA credit standards.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 3, 2006 at page 58477.

Affected Public: Business or other for profit.

Estimated Annual Burden: 62,500 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 125,000.

Dated: December 20, 2006.

By direction of the Secretary.

Cindy Stewart,

Program Analyst, Initiative Coordination Service.

[FR Doc. E6–22649 Filed 1–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0406]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0406'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Initiative Coordination Service (005G1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0406'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Verification of VA Benefits, VA Form 26–8937.

OMB Control Number: 2900–0406.

Type of Review: Extension of a currently approved collection.

Abstract: Lenders authorized to make VA-guaranteed home or manufactured loans on an automatic basis are required to determine through VA whether any benefits related debts exist in the veteran-borrower's name prior to the closing of any automatic loan. Lenders cannot close any proposed automatic loan until evidence is received from VA stating that there is no debt, or if a debt exists, or the veteran has agreed on an acceptable repayment plan, or payments under a plan already in effect are current. VA Form 26–8937 is used to assist lenders and VA in the completion of debt checks in a uniform manner. The form restricts information requested to only that is needed for the debt check and to eliminate unlimited versions of lender-designed forms. The form also informs the lender whether or not the veteran is exempt from paying the funding fee, which must be collected on all VA home loans unless the veteran is receiving service-connected disability compensation.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 3, 2006 at pages 58477–58478.

Affected Public: Individuals of households.

Estimated Annual Burden: 4,167 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 50,000.

Dated: December 26, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Initiative Coordination Service.

[FR Doc. E6–22650 Filed 1–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0465]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0465'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Initiative Coordination Service (005G1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0465.''

SUPPLEMENTARY INFORMATION:

Title: Student Verification of Enrollment, VA Form 22–8979.

OMB Control Number: 2900–0465.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 22–8979 contains a student's certification of actual attendance and verification of the student's continued enrollment in courses leading to a standard college degree or in non-college degree programs. VA uses the data collected to determine the student's continued entitlement to benefits. Students are required to submit verification on a monthly basis to allow for a frequent, periodic release of payment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 1, 2006 at page 64338.

Affected Public: Individuals or households.

Estimated Annual Burden: 45,733 hours.

Estimated Average Burden per Respondent: 1.3 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 429,488.

Estimated Number of Responses: 2,114,651.

Dated: December 26, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Initiative Coordination Service.

[FR Doc. E6–22651 Filed 1–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0001]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0001'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Initiative Coordination Service (005G1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0001.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Veteran's Application for Compensation and/or Pension, VA Form 21–526.

b. Authorization and Consent Release Information to the Department of Veterans Affairs (VA), VA Form 21–4142.

OMB Control Number: 2900–0001.

Type of Review: Existing collection in use without an OMB control number.

Abstract: Veterans complete VA Form 21–526 to apply for compensation and/or pension benefits. Veterans who need VA's help in obtaining non-VA medical records must complete VA Form 21–4142.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 1, 2006 at page 64335.

Affected Public: Individuals or households.

Estimated Annual Burden: 592,500 hours.

Estimated Average Burden per Respondent:

a. VA Form 21.526—90 minutes.

b. VA Form 21–4142—5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 395,000.

Dated: December 26, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Initiative Coordination Service.

[FR Doc. E6–22652 Filed 1–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0567]

Agency Information Collection Activities Under OMB Review

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the National Cemetery Administration (NCA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0567'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Initiative Coordination Service (005G1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7870 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0567.''

SUPPLEMENTARY INFORMATION:

Title: President Memorial Certificate (PMC), VA Form 40–0247.

OMB Control Number: 2900–0567.

Type of Review: Extension of a currently approved collection.

Abstract: The President Memorial Certificate is automatically issued without a request from the next of kin as part of processing a death benefits claim. The PMC allows eligible recipients (next of kin, other relatives or friends) to request additional certificates and/or replacement or corrected certificates upon the receipt of the original PMC.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 1, 2006, at pages 64338–64339.

Affected Public: Individuals or households.

Estimated Annual Burden: 8,004 hours.

Estimated Average Burden per Respondent: 2 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 240,132.

Dated: December 20, 2006.

By direction of the Secretary.

Cindy Stewart,

Program Analyst, Initiative Coordination Service.

[FR Doc. E6–22654 Filed 1–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0358]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0358'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Initiative Coordination Service (005G1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0358.''

SUPPLEMENTARY INFORMATION:

Title: Supplemental Information for Change of Program or Reenrollment After Unsatisfactory Attendance, Conduct or Progress, VA Form 22–8873.

OMB Control Number: 2900–0358.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans and other eligible persons may change their program of education under conditions prescribed by Title 38 U.S.C., Section 3691. A claimant can normally make one change of program without VA approval. VA approval is required if the claimant makes any additional change of program. Before VA can approve benefits for a second or subsequent change of program, VA must first determine that the new program is suitable to the claimant's aptitudes, interests, and abilities, or that the cause of any unsatisfactory progress or conduct has been resolved before entering into a different program. VA Form 22–8873 is used to gather the necessary information only if the suitability of the proposed training program cannot be established from information already available in the claimant's VA education records or the results of academic or vocational counseling are not available to VA.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 3, 2006 at pages 58478–58479.

Affected Public: Individuals or households.

Estimated Annual Burden: 11,882 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 23,763.

Dated: December 26, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Initiative Coordination Service.

[FR Doc. E6–22655 Filed 1–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0569]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0569'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Initiative Coordination Service (005G1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7870 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0569.''

SUPPLEMENTARY INFORMATION:

Title: VA Voluntary Customer Surveys to Implement E.O. 12862.

OMB Control Number: 2900–0569.

Type of Review: Extension of a currently approved collection.

Abstract: VBA administers integrated programs of benefits and services, established by law for veterans and their survivors, and service personnel. Executive Order 12862, Setting Customer Service Standards, requires Federal agencies and departments to identify and survey its customers to determine the kind and quality of services they want and their level of satisfaction with existing service. Customer satisfaction surveys are used to gauge customer perceptions of VA services as well as customer expectations and desires.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 1, 2006, at pages 64335–64338.

Affected Public: Individuals or households and businesses or other for-profits.

LISTING OF SURVEY ACTIVITIES

Year	Number of respondents	Estimated annual burden	Frequency of response (hours)
Survey of Veterans' Satisfaction With the VA Compensation and Pension Claims Process—20 Minutes			
2007	24,000	8,000	One-time.
2008	24,000	8,000	One-time.
2009	24,000	8,000	One-time.
Survey of Veterans'/Dependents' and Servicemembers' Satisfaction With the VA Education Claims Process—20 Minutes			
2007	2,968	989	One-time.
2008	2,968	989	One-time.
2009	2,968	989	One-time.
Survey of Educational Institution Certifying Officials—20 Minutes			
2007	1,000	333	One-time.
2008	1,000	333	One-time.
2009	1,000	333	One-time.
Survey of Veterans' Satisfaction With the VA Home Loan Guaranty Process—10 Minutes			
2007	7,560	1,260	One-time.
2008	7,560	1,260	One-time.
2009	7,560	1,260	One-time.
VA Loan Guaranty Lender Satisfaction Survey—20 Minutes			
2007	1,992	498	One-time.
2008	1,992	498	One-time
2009	1,992	498	One-time.
VA Survey of Veterans' Satisfaction With the Vocational Rehabilitation & Employment Program—20 Minutes			
2007	3,300	1,100	One-time.
2008	3,300	1,100	One-time.
2009	3,300	1,100	One-time.
Insurance Customer Surveys—6 Minutes			
2007	2,800	280	One-time.
2008	2,800	280	One-time.
2009	2,800	280	One-time.

LISTING OF SURVEY ACTIVITIES—Continued

Year	Number of respondents	Estimated annual burden	Frequency of response (hours)
Outreach Surveys—15 Minutes			
2007	4,500	1,125	One-time.
2008	4,500	1,125	One-time.
2009	4,500	1,125	One-time.
Undetermined Focus Groups (Targeted population groups are to be decided)—2 Hours			
2007	380	760	One-time.
2008	380	760	One-time.
2009	380	760	One-time.
Telephone Survey—7 Minutes			
2007	6,400	747	One-time.
2008	6,400	747	One-time.
2009	6,400	747	One-time.

VA REGIONAL OFFICE-BASED SURVEY ACTIVITIES

Year	Number of respondents	Estimated annual burden (hours)	Frequency of response
Customer Satisfaction Focus Groups—3 Hours			
2007	360	1,080	One-time.
2008	360	1,080	One-time.
2009	360	1,080	One-time.
VA Regional Office-Specific Service Improvement Initiatives (Comment Card)—5 Minutes			
2007	40,000	3,333	One-time.
2008	40,000	3,333	One-time.
2009	40,000	3,333	One-time.

Most customer satisfaction surveys will be recurring so that VBA can create ongoing measures of performance and to determine how well the agency meets customer service standards. Each collection of information will consist of the minimum amount of information necessary to determine customer needs and to evaluate VBA's performance.

Anyone may view the results of previously administered surveys on the internet by going to the following VBA surveys Web site: *http://www.vba.va.gov/surveys/.*

The areas of concern to VBA and its customers may change over time, and it is important to have the ability to evaluate customer concerns quickly. OMB will be requested to grant generic clearance approval for a 3-year period to conduct customer satisfaction surveys, focus groups and to send out comment cards. Participation in the surveys, focus groups, and comment cards will be voluntary and the generic clearance will not be used to collect information required to obtain or maintain eligibility for a VA program or benefit. In order to maximize the voluntary response rates, the information collection will be designed to make participation convenient, simple, and free of unnecessary barriers. Baseline data obtained through these information collections will be used to improve customer service standards. VBA will consult with OMB regarding each specific information collection during this approval period.

Dated: December 26, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Initiative Coordination Service.

[FR Doc. E6–22656 Filed 1–5–07; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 72, No. 4

Monday, January 8, 2007

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Adminstration

49 CFR Part 390

[Docket No. FMCSA–2005–23315]

RIN 2126–AA86

Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment

Correction

In proposed rule document E6–21380 beginning on page 76796 in the issue of Thursday, December 21, 2006 make the following corrections:

§ 390.46 [Corrected]

1. On page 76829, in § 390.46, in the first column, in the second full paragraph, in the first line, ''(i) *Nonpreemption determinations*'' should read ''(2) *Nonpreemption determinations*''.

2. On the same page, in the same section, in the same paragraph, in the second line, ''(A) *In general*'' should read ''(i) *In general*''.

[FR Doc. Z6–21380 Filed 1–5–07; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
January 8, 2007

Part II

Department of Transportation

Federal Aviation Administration

Petition for Exemption; Summary of Petition Received; Notice

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. E–2006–45]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before January 29, 2007.

ADDRESSES: Send comments on the petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2006–25188 at the beginning of your comment. If you wish to receive confirmation that the FAA received your comment, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Lender, (202–267–8029), Office of Rulemaking (ARM–1) Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591–3356; or Frances Shaver (202–267–9681), Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591–3356.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on December 28, 2006.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2006–25188.

Petitioner: Mr. Donald Langford.

Section of 14 CFR Affected: § 61.303.

Description of Relief Sought: This exemption, if granted, would allow an amphibious amateur built experimental aircraft with retractable landing gear to be flown by a Sports Pilot as though that aircraft met the full requirements of light sport aircraft.

[FR Doc. E6–22648 Filed 1–5–07; 8:45 am]

BILLING CODE 4910–13–P

Federal Register

Monday,
January 8, 2007

Part III

Department of Housing and Urban Development

Announcement of Funding Awards for the Housing Choice Voucher Family Self Sufficiency Program for Fiscal Year 2005; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4950–FA–17]

Announcement of Funding Awards for the Housing Choice Voucher Family Self Sufficiency Program for Fiscal Year 2005

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for funding under the Fiscal Year (FY) 2005 Notice of Funding Availability (NOFA) for the Family Self Sufficiency (FSS) program for FY2005. This announcement contains the consolidated names and addresses of those award recipients selected for funding based on the rating and ranking of all applications and the allocation of funding available for each state.

FOR FURTHER INFORMATION CONTACT: Iredia Hutchinson, Director, Grants Management Center, Office of Public and Indian Housing, Department of Housing and Urban Development, Washington, DC 20410–5000, telephone (202) 358–0221. For the hearing or speech impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at (800) 877–8339. (Other than the ''800'' TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The authority for the $45,500,000 in one-year budget authority FSS program coordinators is found in the Departments of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY2004 (Pub. L. 108). The allocation of housing assistance budget authority is pursuant to the provisions of 24 CFR part 791, subpart D, implementing section 213 (d) of the Housing and Community Development Act of 1974, as amended.

This program is intended to promote the development of local strategies to coordinate the use of assistance under the Housing Choice Voucher program with public and private resources to enable participating families to achieve economic independence and self-sufficiency. A FSS program coordinator assures that program participants are linked to the supportive services they need to achieve self-sufficiency.

The FY2005 awards announced in this notice were selected for funding in a competition announced in a **Federal Register** NOFA published on March 21, 2005 (70 FR 14000). Applications were scored based on the selection criteria in that notice and funding selections made based on the rating and ranking of applications within each state.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the 576 awards made under the Family Self-Sufficiency competitions in Appendix A.

Dated: December 18, 2006.

Orlando J. Cabrera,

Assistant Secretary for Public and Indian Housing.

Appendix A

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM

Recipient	Address	City	State	Zip code	Amount
Alaska Housing Finance Corporation	P.O. Box 101020, 4300 Boniface Parkway.	Anchorage	AK	99510	$63,000
Housing Authority of the Birmingham District.	1826 3rd Avenue South	Birmingham	AL	35233	63,000
Tuscaloosa Housing Authority	P.O. Box 2281, 2808 10th Avenue	Tuscaloosa	AL	35401	49,478
Housing Authority of the City of Decatur, Alabama.	100 Wilson Street North East	Decatur	AL	35601	33,422
Florence Housing Authority	303 North Pine Street	Florence	AL	35630	45,887
Mobile Housing Board	P.O. Box 1345, 151 South Claiborne Street.	Mobile	AL	36602	77,136
Housing Authority of the City of Prichard.	4559 St. Stephens Road	Eight Mile	AL	36613	44,345
Housing Authority of the City of Pine Bluff.	P.O. Box 8872, 2503 Belle Meade	Pine Bluff	AR	71611	78,300
Housing Authority of the City of Hope.	720 Texas Street	Hope	AR	71801	30,092
Conway County Housing Authority	P.O. Box 229	Morrilton	AR	72110	70,700
North Little Rock Housing Authority	P.O. Box 516, 2201 Division	North Little Rock	AR	72115	105,746
Pulaski County Housing Agency	201 South Broadway, Suite 220	Little Rock	AR	72201	34,125
Lee County Housing Authority	100 West Main	Marianna	AR	72360	23,462
Mississippi County Public Facilities Board.	810 West Keiser	Osceola	AR	72370	70,527
Wynne Housing Authority	P.O. Box 552	Wynne	AR	72396	26,522
Jonesboro Urban Renewal & Housing Authority.	330 Union Street	Jonesboro	AR	72401	40,400
White River Regional Housing Authority.	P.O. Box 650	Melbourne	AR	72556	37,673
Northwest Regional Housing Authority.	P.O. Box 2568	Harrison	AR	72601	39,025
Pope County Public Facilities Board	P.O. Box 846, 301 East 3rd Street	Russellville	AR	72811	34,303
Fort Smith Housing Authority	2100 North 31st Street	Fort Smith	AR	72904	96,219
Housing Authority of Maricopa County.	2024 North 7th Street, Suite 101	Phoenix	AZ	85006	41,383
City of Phoenix Housing Department	251 West Washington, 4th Floor	Phoenix	AZ	85042	189,000
City of Mesa	55 Center Street	Mesa	AZ	85211	93,736
Pinal County Housing Division	970 No. Eleven Mile Corner Road	Casa Grande	AZ	85222	50,015

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Chandler, City of	P.O. Box 4008, Mail Stop #101	Chandler	AZ	85244	52,318
City of Scottsdale Housing Authority	7515 East 1st Street	Scottsdale	AZ	85251	52,969
City of Tempe Housing Services	21 East 6th Street, Suite 214	Tempe	AZ	85281	126,000
Yuma County	8450 West Highway 95, Suite 88	Somerton	AZ	85350	24,699
Housing Authority of the City of Yuma.	420 South Madison Avenue	Yuma	AZ	85364	127,632
Housing Authority of Cochise County	P.O. Box 167	Bisbee	AZ	85603	52,784
City of Tucson	P.O. Box 27210, 310 North Commerce Park Loop.	Tucson	AZ	85726	114,476
Mohave, County of	P.O. Box 7000	Kingman	AZ	86402	48,146
Culver City Housing Agency	9770 Culver Boulevard	Culver City	CA	90232	63,000
City of Santa Monica Housing Authority.	2121 Cloverfield Boulevard, Suite 131.	Santa Monica	CA	90404	63,000
City of Norwalk	12035 Firestone Boulevard	Norwalk	CA	90650	61,500
Pico Rivera Housing Assistance Agency.	P.O. Box 1016, 6615 Passons Boulevard.	Pico Rivera	CA	90660	63,000
The Housing Authority of the County of Los Angeles.	12131 Telegraph Road	Santa Fe Springs	CA	90670	47,755
Housing Authority of the City of Long Beach.	521 East 4th Street	Long Beach	CA	90802	246,517
Pasadena Community Development Commission.	649 North Fair Oaks Avenue, Suite 202.	Pasadena	CA	91103	40,400
City of Glendale	141 North Glendale Avenue, Room 202.	Glendale	CA	91206	63,000
Area Housing Authority of the County of Ventura.	1400 West Hillcrest Drive	Newbury Park	CA	91320	61,818
Housing Authority of the City of Upland, CA.	1226 North Campus Avenue	Upland	CA	91786	33,162
City of Oceanside	300 North Coast Highway	Oceanside	CA	92054	126,000
San Diego Housing Commission	1625 Newton Avenue	San Diego	CA	92113	378,000
Housing Authority of the County of San Diego.	3989 Ruffin Road	San Diego	CA	92123	49,146
Imperial Valley Housing Authority	1401 D Street	Brawley	CA	92227	58,766
Housing Authority of the County of San Bernardino.	715 East Brier Drive	San Bernardino	CA	92408	116,896
Housing Authority of the County of Riverside.	5555 Arlington Avenue	Riverside	CA	92504	47,945
Housing Authority of the City of Santa Ana.	P.O. Box 22030 (M–27)	Santa Ana	CA	92702	123,636
Orange County Housing Authority	1770 North Broadway	Santa Ana	CA	92706	123,677
City of Anaheim Housing Authority	201 South Anaheim Boulevard, Suite 203.	Anaheim	CA	92805	124,784
Housing Authority of the City of San Buenaventura.	995 Riverside Street	Ventura	CA	93001	104,562
Housing Authority of the City of Oxnard.	435 South D Street	Oxnard	CA	93030	60,478
Housing Authority of the City of Santa Barbara.	808 Laguna Street	Santa Barbara	CA	93101	126,000
Housing Authority of the City of San Luis Obispo.	487 Leff Street	San Luis Obispo	CA	93401	49,073
Housing Authority of the County of Santa Barbara.	815 West Ocean Avenue	Lompoc	CA	93436	63,000
The Housing Authority of the City of Madera.	205 North G Street	Madera	CA	93637	103,394
Housing Authority of the City of Fresno.	Post Office Box 11985	Fresno	CA	93776	246,767
Housing Authority of the County of Fresno.	Post Office Box 11985	Fresno	CA	93776	294,076
Housing Authority of the County of Monterey.	123 Rico Street	Salinas	CA	93907	61,398
Housing Authority of the County of San Mateo.	264 Harbor Boulevard, #A	Belmont	CA	94002	123,636
San Francisco Housing Authority	440 Turk Street	San Francisco	CA	94102	63,000
City of Benicia Housing Authority	28 Riverhill Drive	Benicia	CA	94510	123,273
Fairfield Housing Authority	823–B Jefferson Street	Fairfield	CA	94533	102,420
Housing Authority of the County of Alameda.	22941 Atherton Street	Hayward	CA	94541	189,000
Housing Authority of Contra Costa	3133 Estudillo Street	Martinez	CA	94553	126,000
Housing Authority of the City of Napa.	P.O. Box 660	Napa	CA	94559	126,000

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Housing Authority of the City of Vallejo.	P.O. Box 1432, 200 Georgia Street	Vallejo	CA	94590	126,000
Oakland Housing Authority	1619 Harrison Street	Oakland	CA	94612	126,000
Housing Authority of the County of Marin.	4020 Civic Center Drive	San Rafael	CA	94903	126,000
Housing Authority of the County of Santa Cruz.	2931 Mission Street	Santa Cruz	CA	95060	63,000
Housing Authority of the County of Santa Clara.	505 West Julian Street	San Jose	CA	95110	126,000
Housing Authority of the County of San Joaquin.	P.O. Box 447, 448 South Center Street.	Stockton	CA	95201	102,066
Housing Authority of the County of Stanislaus.	P.O. Box 581918, 1701 Robertson Road.	Modesto	CA	95358	53,392
Sonoma County Community Development Commission.	1440 Guerneville Road	Santa Rosa	CA	95403	63,000
El Dorado County Community Services.	3057 Briw Road, Suite A 937 Spring Street.	Placerville	CA	95667	91,191
Roseville Housing Authority	311 Vernon Street	Roseville	CA	95678	63,000
Solano County Housing Authority	40 Eldridge Avenue, Suite 2	Vacaville	CA	95688	107,110
Vacaville Housing Authority	40 Eldridge Avenue, Suite 2	Vacaville	CA	95688	126,000
Yuba County	915 8th Street, Suite 130	Marysville	CA	95901	57,810
Consolidated Area Housing Authority of Sutter County.	448 Garden Highway	Yuba City	CA	95991	49,455
Housing Authority of the City of Redding.	777 Cypress Avenue	Redding	CA	96001	55,868
Arvada Housing Authority	8001 Ralston Road	Arvada	CO	80004	37,371
Housing Authority of the City of Aurora.	10745 East Kentucky Avenue	Aurora	CO	80012	43,101
Adams County Housing Authority	7190 Colorado Boulevard	Commerce City	CO	80022	89,422
Jefferson County Housing Authority	7490 West 45th Avenue	Wheat Ridge	CO	80033	74,742
Housing Authority of the City of Englewood.	3460 South Sherman, Suite 101	Englewood	CO	80113	42,000
Colorado Division of Housing	1313 Sherman Street, Room 518	Denver	CO	80203	61,124
Housing Authority of the City & County of Denver.	777 Grant Street	Denver	CO	80203	128,190
Lakewood Housing Authority	480 South Allison Parkway	Lakewood	CO	80226	37,371
Colorado Department of Human Services.	4020 South Newton Street	Denver	CO	80236	54,736
Boulder County Housing Authority	P.O. Box 471	Boulder	CO	80306	118,687
Housing Authority of the City of Loveland.	375 West 37th Street, Suite 200	Loveland	CO	80538	80,600
Housing Authority of the City of Colorado Springs.	P.O. Box 1575, MC 1490	Colorado Springs	CO	80901	47,393
Housing Authority of the City of Pueblo.	1414 North Santa Fe Avenue	Pueblo	CO	81003	40,726
Grand Junction Housing Authority	1011 North 10th Street	Grand Junction	CO	81501	43,500
Fort Collins Housing Authority	1715 West Mountain Avenue	Fort Collins	CO	80521	124,930
Ansonia Housing Authority	36 Main Street	Ansonia	CT	06401	102,798
Housing Authority of the City of New Haven.	P.O. Box 1912, 360 Orange Street	New Haven	CT	06509	53,899
Housing Authority of the City of Meriden.	22 Church Street	Meriden	CT	06512	92,919
Housing Authority of the City of Norwalk.	P.O. Box 508, 24½ Monroe Street	Norwalk	CT	06856	189,000
District of Columbia Housing Authority.	1133 North Capitol Street, Northeast, Room 324.	Washington	DC	20002	189,000
Housing Authority of the City of Daytona Beach.	211 North Ridgewood Avenue, Suite 200.	Daytona Beach	FL	32114	36,136
Jacksonville Housing Authority	1300 Broad Street	Jacksonville	FL	32202	43,979
City of Pensacola Department of Housing.	P.O. Box 12910	Pensacola	FL	32521	29,410
Housing Authority of the City of Orlando, Florida.	24 Fanfair Avenue	Orlando	FL	32811	98,195
Hialeah Housing Authority	75 East 6th Street	Hialeah	FL	33010	68,843
Hollywood Housing Authority	7350 North Davie Road Extension	Hollywood	FL	33024	19,323
City of Homestead Housing Authority	29355 South Federal Highway	Homestead	FL	33030	45,000
Miami-Dade County	111 Northwest 1st Street 29th Floor	Miami	FL	33128	63,000
Housing Authority of the City of Miami Beach.	200 Alton Road	Miami Beach	FL	33139	61,206
Housing Authority of the City of Fort Lauderdale.	437 Southwest 4th Avenue	Fort Lauderdale	FL	33315	61,776

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Broward County Housing Authority	3810 Inverrary Boulevard, Suite 405	Lauderhill	FL	33319	46,992
Palm Beach County Housing Authority.	3432 West 45th Street	West Palm Beach	FL	33407	71,819
West Palm Beach Housing Authority	1715 Division Avenue	West Palm Beach	FL	33407	34,516
Boca Raton Housing Authority	201 W. Palmetto Park Road	Boca Raton	FL	33432	29,500
Deerfield Beach Housing Authority	533 South Dixie Highway	Deerfield Beach	FL	33441	15,020
Pasco County Housing Authority	14517 7th Street	Dade City	FL	33523	31,471
Housing Authority of the City of Tampa.	1529 West Main Street	Tampa	FL	33607	115,801
Clearwater Housing Authority	908 Cleveland Street	Clearwater	FL	33755	81,810
Pinellas County Housing Authority	11479 Ulmerton Road	Largo	FL	33778	87,152
Lakeland Housing Authority	430 Hartsell Avenue	Lakeland	FL	33815	47,237
Ocala Housing Authority	1629 Northwest 4th Street	Ocala	FL	34475	49,399
Hernando County Housing Authority	2 North Broad Street	Brooksville	FL	34601	38,275
Housing Authority of the City of Marietta.	P.O. Box Drawer K, 95 Cole Street	Marietta	GA	30060	54,400
City of Marietta Georgia	205 Lawrence Street	Marietta	GA	30060	54,482
Housing Authority City of Jonesboro	203 Hightower Street	Jonesboro	GA	30236	37,642
Housing Authority of Fulton County	10 Park Place South, South East, Suite 550.	Atlanta	GA	30303	44,303
The Housing Authority of the City of Atlanta, Georgia.	230 John Wesley Dobbs Avenue, NE.	Atlanta	GA	30303	226,406
Georgia Department of Community Affairs.	60 Executive Park South, North East	Atlanta	GA	30329	345,134
Housing Authority of the City of College Park, Georgia.	2000 West Princeton Avenue	College Park	GA	30337	62,492
The Housing Authority of the City of Augusta, Georgia.	P.O. Box 3246, 1435 Walton Way	Augusta	GA	30914	97,624
Housing Authority of Savannah	P.O. Box 1179	Savannah	GA	31402	68,643
The Housing Authority, City of Brunswick.	P.O. Box 1118	Brunswick	GA	31521	41,267
County of Hawaii	50 Wailuku Drive	Hilo	HI	96720	63,000
Kauai County Housing Agency	4444 Rice Street, Suite 333	Lihue	HI	96766	109,316
City and County of Honolulu	Honolulu Hale	Honolulu	HI	96813	117,035
Housing & Community Development Corporation of Hawaii.	677 Queen Street, Suite 300	Honolulu	HI	96813	54,824
Central Iowa Regional Housing Authority.	950 Office Park Road, Suite 321	West Des Moines	IA	50265	55,284
Des Moines Municipal Housing Agency.	100 East Euclid, Suite 101	Des Moines	IA	50313	62,899
Mid Iowa Regional Housing Authority	1814 Central Avenue	Fort Dodge	IA	50501	43,066
Municipal Housing Agency of the City of Fort Dodge.	700 South 17th Street	Fort Dodge	IA	50501	94,818
Waterloo Housing Authority	620 Mulberry Street	Waterloo	IA	50703	49,089
Southern Iowa Regional Housing Authority.	219. N. Pine Street	Creston	IA	50801	41,722
Northeast Nebraska Joint Housing Authority.	507 7th Street, Suite #401	Sioux City	IA	51101	72,121
City of Sioux City Housing Authority	P.O. Box 447	Sioux City	IA	51102	126,000
Region XII Regional Housing Authority.	320 East 7th Street	Carroll	IA	51401	43,900
City of Dubuque	1805 Central Avenue	Dubuque	IA	52001	66,824
Eastern Iowa Region Housing Authority.	3999 Pennsylvania Avenue, Suite 200.	Dubuque	IA	52002	61,083
Iowa City Housing Authority	410 E Washington Street	Iowa City	IA	52240	114,753
City of Cedar Rapids	1211 6th Street South West	Cedar Rapids	IA	52404	94,859
Southwestern Idaho Cooperative Housing Authority.	1108 West Finch Drive	Nampa	ID	83651	128,445
Ada County Housing Authority	1276 River Street, Suite #300	Boise	ID	83702	104,296
Boise City Housing Authority	1276 River Street, Suite # 300	Boise	ID	83702	104,297
Idaho Housing and Finance Association.	P.O. Box 7899, 565 West Myrtle Street.	Boise	ID	83707	219,086
DuPage Housing Authority	711 East Roosevelt Road	Wheaton	IL	60187	85,850
Chicago Housing Authority	626 West Jackson Boulevard	Chicago	IL	60661	517,977
Rockford Housing Authority	223 South Winnebago Street	Rockford	IL	61102	179,330
Housing Authority of the City of Rock Island.	227 21st Street	Rock Island	IL	61201	63,000
Peoria Housing Authority	100 South Richard Pryor Place	Peoria	IL	61605	47,263
Housing Authority of the City of Bloomington.	104 East Wood Street	Bloomington	IL	61701	49,268

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
The Housing Authority of Champaign County.	205 West Park Avenue	Champaign	IL	61820	32,513
Housing Authority of the City of East Saint Louis.	700 North 20th Street	East Saint Louis	IL	62205	63,000
Springfield Housing Authority	200 North Eleventh Street	Springfield	IL	62703	42,000
Indianapolis Housing Agency	1935 North Meridian	Indianapolis	IN	46202	207,850
Indiana Family and Social Services Administration.	P.O. Box #6116, 402 West Washington Street.	Indianapolis	IN	46208	24,645
Housing Authority of the City of Hammond.	1402 173rd Street	Hammond	IN	46324	56,535
Elkhart Housing Authority	1396 Benham Avenue	Elkhart	IN	46516	83,623
Goshen Housing Authority	1101 West Lincoln Avenue, Suite 100.	Goshen	IN	46526	96,975
Housing Authority of South Bend	501 Alonzo Watson Drive	South Bend	IN	46601	35,668
Housing Authority of the City of Fort Wayne, Indiana.	2013 South Anthony Boulevard	Fort Wayne	IN	46869	76,173
Housing Authority of the City of Kokomo, IN.	P.O. Box 1207, 210 East Taylor Street.	Kokomo	IN	46903	39,636
Logansport Housing Authority	417 North Street, Suite 102	Logansport	IN	46947	28,548
Housing Authority of the City of Marion Indiana.	601 South Adams Street	Marion	IN	46953	33,482
Housing Authority City of Peru	701 East Main Street	Peru	IN	46970	33,849
Housing Authority for the City of Columbus.	1531 13th Street, Suite G600	Columbus	IN	47201	47,668
The Housing Authority of the City of Muncie.	409 East First Street	Muncie	IN	47302	23,972
The Housing Authority of the City of Bloomington.	1007 North Summit	Bloomington	IN	47404	87,500
Knox County Housing Authority	11 Powell Street	Bicknell	IN	47512	30,903
Housing Authority of Vincennes	P.O. Box 1636, 501 Hart Street	Vincennes	IN	47591	83,036
Terre Haute Housing Authority	P.O. Box 3086, One Dreiser Square	Terrre Haute	IN	47803	107,375
Lafayette Housing Authority	P.O. Box 6687, 100 Executive Drive, Suite J.	Lafayette	IN	47903	38,456
Housing Authority of the City of Atchison, Kansas.	103 South 7th Street	Atchison	KS	66002	29,737
Lawrence-Douglas County Housing Authority.	1600 Haskell Avenue	Lawrence	KS	66044	68,941
City of Olathe Housing Authority	P.O. Box 768, 300 North Chestnut	Olathe	KS	66051	47,500
Topeka Housing Authority	2010 South East California Avenue	Topeka	KS	66607	40,269
City of Wichita Kansas	322 North Riverview	Wichita	KS	67203	163,710
Louisville Metro Housing Authority	420 South Eighth Street	Louisville	KY	40203	367,842
City of Richmond Section 8 Housing	P.O. Box 250	Richmond	KY	40476	34,683
Lexington-Fayette Urban County Housing Authority.	300 West New Circle Road Northwest.	Lexington	KY	40505	47,602
Kentucky Housing Corporation	1231 Louisville Road	Frankfort	KY	40601	146,500
Barbourville Urban Renewal & CDA	P.O. Box 806, 338 Court Square	Barbourville	KY	40906	31,128
Pineville/Bell County Urban Renewal and Community Development Agency.	P.O. Box 460, 114 West Kentucky Avenue.	Pineville	KY	40977	30,909
Boone County Fiscal Court	2950 Washington Street	Burlington	KY	41005	63,000
City of Covington	638 Madison Avenue, 2nd Floor	Covington	KY	41011	33,864
Housing Authority of Cynthiana	148 Federal Street	Cynthiana	KY	41031	48,921
Campbell County Department of Housing.	515 Monmouth Street, Suite 302	Newport	KY	41071	45,985
Housing Authority of Newport, KY	P.O. Box 459	Newport	KY	41072	44,508
City of Paducah Section 8 Housing	P.O. Box 2267	Paducah	KY	42002	36,715
City of Bowling Green Section 8	P.O. Box 430, 1017 College Street	Bowling Green	KY	42102	78,338
Housing Authority of Somerset	P.O. Box 449	Somerset	KY	42502	80,588
Campbellsville Housing & Redevelopment Authority.	P.B. Box 597, 400 Ingram Avenue	Campbellsville	KY	42718	27,251
Municipal Housing Agency of Council Bluffs, Iowa.	505 South 6th Street	Council Bluffs	LA	51501	46,314
Jefferson Parish Housing Authority	1718 Betty Street	Marrero	LA	70072	104,000
Housing Authority of New Orleans	4100 Touro Street	New Orleans	LA	70122	74,468
Calcasieu Parish Housing Department.	1011 Lakeshore Drive, Suite 602	Lake Charles	LA	70601	57,177
Housing Authority of the City of Monroe.	300 Harrison Street	Monroe	LA	71201	25,900
Housing Authority of the Parish of Natchitoches.	525 Fourth Street	Natchitoches	LA	71457	45,000
Leominster Housing Authority	100 Main Street	Leominster	MA	1453	45,908

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Acton Housing Authority	P.O. Box 681, 68 Windsor Avenue	Acton	MA	1720	37,350
Chelmsford Housing Authority	10 Wilson Street	Chelmsford	MA	1824	44,120
Gloucester Housing Authority	P.O. Box 1599, 259 Washington Street.	Gloucester	MA	1930	40,869
Braintree Housing Authority	25 Roosevelt Street	Braintree	MA	2184	32,543
Holyoke Housing Authority	475 Maple Street, Suite One	Holyoke	MA	01040	95,502
Greenfield Housing Authority	1 Elm Terrace	Greenfield	MA	01301	120,229
Gardner Housing Authority	116 Church Street	Gardner	MA	01440	48,300
Worcester Housing Authority	40 Belmont Street	Worcester	MA	01605	62,465
Framingham Housing Authority	1 John J. Brady Drive	Framingham	MA	01702	73,451
Woburn Housing Authority	59 Campbell Street	Woburn	MA	01801	114,656
Methuen Housing Authority	24 Mystic Street	Methuen	MA	01844	43,865
North Andover Housing Authority	One Morkeski Meadows	North Andover	MA	01845	32,858
Lowell Housing Authority	P.O. Box 60, 350 Moody Street	Lowell	MA	01853	118,000
Lynn Housing Authority	10 Church Street	Lynn	MA	01902	57,697
Dedham Housing Authority	163 Dedham Boulevard	Dedham	MA	02026	63,000
Boston Housing Authority	52 Chauncy Street	Boston	MA	02111	186,230
Commonwealth of Massachusetts	100 Cambridge Street, Suite 300	Boston	MA	02114	527,779
Somerville Housing Authority	30 Memorial Road	Somerville	MA	02145	45,909
Brockton Housing Authority	45 Goddard Road	Brockton	MA	02301	126,000
Avon Housing Authority	1 Fellowship Circle	Avon	MA	02322	30,281
Plymouth Housing Authority	P.O. Box 3537, 69 Allerton Street	Plymouth	MA	02361	40,319
St. Mary's County Housing Authority	P.O. Box 653, 41650 Tudor Hall Road.	Leonardtown	MD	20650	42,862
Housing Authority of Calvert County	P.O. Box 2509, 480 Main Street	Prince Frederick	MD	20678	50,494
Rockville Housing Enterprises	621 A Southlawn Lane	Rockville	MD	20850	114,008
Housing Opportunities Commission	10400 Detrick Avenue	Kensington	MD	20895	350,185
Harford County	15 South Main Street, Suite 106	Bel Air	MD	21014	96,707
Maryland Department of Housing & Community Development.	100 Community Place	Crownsville	MD	21032	36,061
Howard County Government	6751 Columbia Gateway Drive, 3rd Floor.	Columbia	MD	21046	121,097
City of Westminster	56 West Main Street	Westminster	MD	21157	42,420
Commissioners of Carroll County	225 North Center Street	Westminster	MD	21157	39,976
Housing Authority of Baltimore City	417 East Fayette Street, Room 265	Baltimore	MD	21202	63,000
Baltimore County Department of Social Services, Housing Office.	6401 York Road	Baltimore	MD	21212	125,085
Queen Anne's County Housing Authority.	P.O. Box 327	Centreville	MD	21617	41,784
Housing Authority of the City of Frederick.	209 Madison Street	Frederick	MD	21701	97,945
Housing Authority of Washington County.	P.O. Box 2944, 44 North Potomac Street, Suite 201.	Hagerstown	MD	21740	29,588
Housing Authority of the City of Hagerstown.	35 West Baltimore Street	Hagerstown	MD	21740	48,212
Cecil County Housing Agency	129 E. Main Street	Elkton	MD	21921	49,500
Westbrook Housing Authority	30 Liza Harmon Drive	Westbrook	ME	04092	38,637
Portland Housing Authority	14 Baxter Boulevard	Portland	ME	04101	50,290
Lewiston Housing Authority	1 College Street	Lewiston	ME	04240	8,695
Agusta Housing Authority	33 Union Street, Suite #3	Augusta	ME	04330	30,909
Maine State Housing Authority	353 Water Street	Augusta	ME	04330	74,806
City of Caribou Housing Agency	25 High Street	Caribou	ME	04736	46,364
Plymouth Housing Commission	1160 Sheridan	Plymouth	MI	48170	42,313
Westland Housing Commission	32715 Dorsey Road	Westland	MI	48186	32,147
Saginaw Housing Commission	P.O. Box 3225, 1803 Norman	Saginaw	MI	48605	83,990
Michigan State Housing Development Authority.	P.O. Box 30044, 735 East Michigan Avenue.	Lansing	MI	48909	504,000
Muskegon Housing Commission	1080 Terrace	Muskegon	MI	49442	42,420
Kent County Housing Commission	82 Ionia Avenue, Northwest, Suite 390.	Grand Rapids	MI	49503	113,640
Grand Rapids Housing Commission	1420 Fuller Avenue, Southeast	Grand Rapids	MI	49507	114,363
Grayling Housing Commission	308 Lawndale	Grayling	MI	49738	35,703
Metropolitan Council	230 East 5th Street	Saint Paul	MN	55101	60,796
Dakota County CDA	1228 Town Centre Drive	Eagan	MN	55123	23,669
Scott County Housing and Redevelopment Authority.	323 South Naumkeag Street	Shakopee	MN	55379	50,500
Housing Authority of St. Louis Park	5005 Minnetonka Boulevard	St. Louis Park	MN	55416	18,638
Housing & Redevelopment Authority of Virginia MN.	442 Pine Mill Court	Virginia	MN	55792	55,863
Housing & Redevelopment Authority of Duluth, MN.	P.O. Box 16900, 222 East Second Street.	Duluth	MN	55816	45,354

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
SE Minnestoa Multi-County Housing and Redevelopment Authority.	134 East 2nd Street	Wabasha	MN	55981	34,657
South Central MN Multi-County HRA	410 Jackson Street, Suite 300	Mankato	MN	56001	72,759
Mankato Economic Development Authority.	P.O. Box 3368, 10 Civic Center Plaza.	Mankato	MN	56002	101,505
Brainerd Housing and Redevelopment Authority.	324 East River Road	Brainerd	MN	56401	42,170
Northwest Minnesota Multi-County HRA.	P.O. Box 128, 205 Garfield Avenue	Mentor	MN	56736	36,240
Franklin County Public Housing Agency.	P.O. Box 920	Hillsboro	MO	63050	41,314
St. Louis Housing Authority	4100 Lindell Boulevard	St. Louis	MO	63108	39,083
Housing Authority of St. Louis County.	8865 Natural Bridge Road	St. Louis	MO	63121	82,866
North East Community Action Corporation/Lincoln County PHA.	16 North Court Street—P.O. Box 470.	Bowling Green	MO	63334	104,817
St. Francois County PHA	107 Industrial Drive Box N	Park Hills	MO	63601	30,000
Housing Authority of the City of Liberty, Missouri.	101 East Kansas	Liberty	MO	64068	42,478
Housing Authority of Kansas City, Missouri.	301 East Armour	Kansas City	MO	64111	120,650
Saint Clair County PHA	P.O. Box 125, 106 West Fourth Street.	Appleton City	MO	64724	106,017
Jasper County Public Housing Authority.	P.O. Box 207, 302 Joplin Street	Joplin	MO	64801	26,823
Housing Authority of the City of Columbia, Missouri.	201 Switzler Street	Columbia	MO	65203	39,919
Phelps County Public Housing Agency.	#4 Industrial Drive	Saint James	MO	65559	51,886
Housing Authority of the City of Springfield.	421 West Madison Street	Springfield	MO	65612	25,524
Tennessee Valley Regional Housing Authority.	P.O. Box 1329	Corinth	MS	38835	76,254
Mississippi Regional Housing Authority No. VI.	P.O. Drawer 8647, 2180 Terry Road	Jackson	MS	39284	96,775
Mississippi Regional Housing Authority No. V.	110 Broad Street	Newton	MS	39345	31,616
Mississippi Regional Housing Authority No. VII.	P.O. Box 430	McComb	MS	39649	54,633
Mississippi Regional Housing Authority No. IV.	P.O. Box 1051, 2845 South Frontage Road.	Columbus	MS	39703	36,365
Housing Authority of Billings	2415 First Avenue North	Billings	MT	59101	39,449
Missoula Housing Authority	1235 34th Street	Missoula	MT	59801	72,860
Housing Authority of the City of Winston-Salem.	901 Cleveland Avenue	Winston-Salem	NC	27101	51,515
Housing Authority of the City of High Point.	500 East Russell Avenue	High Point	NC	27261	37,784
Chatham County Housing Authority	P.O. Box 637, 190 Sanford Road	Pittsboro	NC	27312	41,279
Sanford Housing Authority	P.O. Box 636, 1000 Carthage Street	Sanford	NC	27330	42,500
Greensboro Housing Authority	P.O. Box 21287, 450 North Church Street.	Greensboro	NC	27420	119,343
Housing Authority of the City of Greenville.	P.O. Box 1426, 1103 Broad Street	Greenville	NC	27834	57,701
City of Concord Housing Department	P.O. Box 308, 283 Harold Goodman Circle.	Concord	NC	28026	38,285
Gastonia Housing Authority	P.O. Box 2398, 340 West Long Avenue.	Gastonia	NC	28053	45,450
Isothermal Planning & Development Commission.	P.O. Box 841	Rutherfordton	NC	28139	34,040
Charlotte Housing Authority	1301 South Boulevard	Charlotte	NC	28203	55,901
Sandhills Community Action Program, Inc.	P.O. Box 937, 103 Saunders Street	Carthage	NC	28327	31,954
Housing Authority of the Town of Laurinburg.	P.O. Box 1437, 1300 Woodlawn Street.	Laurinburg	NC	28352	117,432
Housing Authority of the City of Wilmington, N.C.	P.O. Box 899, 1524 South 16th Street.	Wilmington	NC	28401	106,234
Twin Rivers Opportunities, Inc	318 Craven Street	New Bern	NC	28563	73,218
Coastal Community Action, Inc	P.O. Box 729, 303 McQueen Avenue.	Newport	NC	28570	35,836
Northwestern Regional Housing Authority.	869 Highway, 105 Extension	Boone	NC	28607	198,815

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Statesville Housing Authority	110 West Allison Street	Statesville	NC	28677	92,677
Mountain Projects, Inc	2251 Old Balsam Road	Waynesville	NC	28786	32,133
Western Carolina Community Action	P.O. Box 685, 526 Seventh Avenue East.	Hendersonville	NC	28793	62,553
Housing Authority of the City of Asheville.	P.O. Box 1898, 165 South French Broad Avenue.	Asheville	NC	28801	69,662
Fargo Housing and Redevelopment Authority.	325 Broadway	Fargo	ND	58102	39,738
Grand Forks Housing Authority	1405 1 Avenue North	Grand Forks	ND	58203	143,520
Minot Housing Authority	108 Burdick Expy. East	Minot	ND	58701	41,100
Housing Authority of the City of Omaha.	540 South 27 Street	Omaha	NE	68105	83,258
Housing Authority of the City of Lincoln.	5700 R Street	Lincoln	NE	68505	57,993
Nashua Housing Authority	40 East Pearl Street	Nashua	NH	3060	20,000
Dover Housing Authority	62 Whittier Street	Dover	NH	3820	56,286
Manchester Housing and Redevelopment Authority.	198 Hanover Street	Manchester	NH	03104	42,814
New Hampshire Housing Finance Authority.	32 Constitution Drive	Bedford	NH	03110	215,880
Housing Authority of the Town of Boonton.	125 Chestnut Street	Boonton	NJ	7005	63,000
Community Affairs, New Jersey Dept of.	P.O. Box 051, 101 South Broad Street.	Trenton	NJ	8625	756,000
Housing Authority of the City of East Orange.	160 Halsted Street	East Orange	NJ	07018	126,000
Fort Lee Housing Authority	1403 Teresa Drive	Fort Lee	NJ	07024	96,848
Housing Authority of the Township of Weehawken.	525 Gregory Avenue	Weehawken	NJ	07086	40,000
Housing Authority of the Township of Woodbridge.	20 Bunns Lane	Woodbridge	NJ	07095	21,205
Housing Authority of the City of Jersey City.	400 US Highway #1, Marion Gardens.	Jersey City	NJ	07306	172,613
Housing Authority of the City of Paterson.	60 Van Houten Street	Paterson	NJ	07505	49,395
Passaic County Public Housing Agency.	100 Hamilton Plaza, Suite 510	Paterson	NJ	07505	122,004
Monmouth County Public Housing Agency.	P.O. Box 3000, 3000 Kozloski Road	Freehold	NJ	07728	126,000
Housing Authority of Long Branch	P.O. Box 337	Long Branch	NJ	07740	93,480
Housing Authority Town of Dover	215 East Blackwell Street	Dover	NJ	07801	61,685
Warren County Housing Authority	415 B Front Street	Belvidere	NJ	07823	63,000
Housing Authority of the Borough of Madison.	15 Chateau Thierry Avenue	Madison	NJ	07940	53,045
Housing Authority of the County of Morris.	99 Ketch Road	Morristown	NJ	07960	30,909
Glassboro Housing Authority	P.O. Box 563, 737 Lincoln Boulevard	Glassboro	NJ	08028	45,739
Housing Authority of Gloucester County.	100 Pop Moylan Boulevard	Deptford	NJ	08096	82,588
Housing Authority of the City of Camden.	1300 Admiral Wilson Boulevard	Camden	NJ	08102	38,764
Atlantic City Housing Authority	P.O. Box 1258, 227 N. Vermont Avenue, 17th Floor.	Atlantic City	NJ	08401	86,420
Housing Authority of the Township of Lakewood.	317 Sampson Avenue	Lakewood	NJ	08701	63,000
Lakewood Tenants Organization, Inc	P.O. Box 856, 600 West Kennedy Boulevard.	Lakewood	NJ	08701	112,289
Housing Authority of the Township of Brick.	165 Chambers Bridge Road	Brick	NJ	08723	15,271
Housing Authority of the City of Perth Amboy.	P.O. Box 390, 881 Amboy Avenue	Perth Amboy	NJ	08862	159,168
Bernalillo County	1900 Bridge Boulevard, Southwest	Albuquerque	NM	87105	112,625
Santa Fe County Housing Authority	52 Camino de Jacobo	Santa Fe	NM	87507	106,637
Socorro County Housing Authority	P.O. Box 00, 106 Center Street	Socorro	NM	87801	22,841
Truth or Consequences Housing Authority.	108 Cedar	Truth or Consequences	NM	87901	44,303
Region IV Housing Authority Eastern Plains Council of Governments.	418 Main Street	Clovis	NM	88101	27,236
Clovis Housing & Redevelopment Agency, Inc.	P.O. Box 1240, 2101 West Grand Avenue.	Clovis	NM	88102	33,172

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Regional Housing Authority of Region VI New Mexico, Inc.	P.O. Drawer 2057, 106 East Reed Street.	Roswell	NM	88202	53,554
City of Tucumcari Housing Authority	P.O. Box 1026, 323 East Smith	Tucumcari	NM	88401	30,005
Housing Authority of the City of North Las Vegas.	1632 Yale Street	North Las Vegas	NV	89030	108,235
The Housing Authority of the City of Las Vegas.	340 North 11th Street	Las Vegas	NV	89101	187,500
Housing Authority of Clark County, Nevada.	5390 East Flamingo Road	Las Vegas	NV	89122	107,122
Housing Authority of the City of Reno.	1525 East 9th Street	Reno	NV	89512	42,175
New York State Division of Housing & Community Renewal.	25 Beaver Street, Room 732	New York	NY	10004	216,887
Village of Kiryas Joel Housing Authority.	51 Forest Road, Suite 360	Monroe	NY	10950	63,000
Town of Babylon	281 Phelps Lane, Room 9	North Babylon	NY	11703	47,182
Town of Brookhaven	One Independence Hill	Farmingville	NY	11738	56,000
Town of Smithtown	P.O. Box 575, 99 West Main Street	Smithtown	NY	11787	47,294
Amsterdam Housing Authority	52 Division Street	Amsterdam	NY	12010	47,980
Gloversville Housing Authority	161 West Street	Gloversville	NY	12078	46,812
Town of Colonie	Route 9 (Memorial Town Hall)	Colonie	NY	12128	50,049
Town of Coeymans	18 Russell Avenue	Ravena	NY	12143	24,763
Albany Housing Authority	200 South Pearl Street	Albany	NY	12202	141,898
Village of Scotia	4 North Ten Broeck Street	Scotia	NY	12302	27,383
Schenectady Municipal Housing Authority.	375 Broadway	Schenectady	NY	12305	91,016
Town of Rotterdam	% Joseph E. Mastrianni, Inc., 242 Union Street.	Schenectady	NY	12305	52,138
Town of Poughkeepsie Section 8 Housing Program.	1 Overocker Road	Poughkeepsie	NY	12603	51,275
Village of Corinth	260 Main Street	Corinth	NY	12822	31,624
Fulton Community Development Agency.	125 West Broadway	Fulton	NY	13069	29,328
City of Oswego Community Development Office.	20 West Oneida Street, 3rd Floor	Oswego	NY	13126	44,851
Syracuse Housing Authority	516 Burt Street	Syracuse	NY	13202	93,826
City of Utica Section 8 Program	1 Kennedy Plaza	Utica	NY	13502	28,849
City of Buffalo	470 Franklin Street	Buffalo	NY	14202	193,153
City of North Tonawanda PHA, Belmont Shelter Corp., Agent.	1195 Main Street	Buffalo	NY	14209	46,225
Erie County PHA Consortium, Belmont Shelter Corp., Agent.	1195 Main Street	Buffalo	NY	14209	141,266
City of Niagara Falls	P.O. Box 69, 1022 Main Street	Niagara Falls	NY	14302	22,688
Rochester Housing Authority	675 West Main Street	Rochester	NY	14611	209,570
Jamestown Housing Authority	110 West Third Street	Jamestown	NY	14701	34,300
Ithaca Housing Authority	800 South Plain Street	Ithaca	NY	14850	60,721
Delaware Metropolitan Housing Authority.	P.O. Box 1292, 222 Curtis Street	Delaware	OH	43015	44,720
Knox Metropolitan Housing Authority	236 South Main Street, Suite 201	Mount Vernon	OH	43050	44,000
Pickaway Metro Housing Authority	176 Rustic Drive	Circleville	OH	43113	34,330
Fairfield Metropolitan Housing Authority.	1506 Amherst Place	Lancaster	OH	43130	46,359
Fayette Metropolitan Housing Authority.	121 E. East Street	Washington CH	OH	43160	31,939
Columbus Metropolitan Housing Authority.	880 East 11th Avenue	Columbus	OH	43211	93,426
Logan County Metropolitan Housing Authority.	116 North Everett Street	Bellefontaine	OH	43311	72,126
Morrow Metropolitan Housing Authority.	81 North Rich Street	Mount Gilead	OH	43338	35,766
Lucas Metropolitan Housing Authority.	435 Nebraska Avenue	Toledo	OH	43697	176,042
Zanesville Metropolitan Housing Authority.	407 Pershing Road	Zanesville	OH	43701	105,645
Cambridge Metropolitan Housing Authority.	1100 Maple Court	Cambridge	OH	43725	31,540
Morgan Metropolitan Housing Authority.	4580 North Street, Route 376, North West.	McConnelsville	OH	43756	44,303
Jefferson Metropolitan Housing Authority.	815 North 6th Avenue	Steubenville	OH	43952	50,686

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Lorain Metropolitan Housing Authority.	1600 Kansas Avenue	Lorain	OH	44052	47,199
Lake Metropolitan Housing Authority	189 First Street	Painesville	OH	44077	74,944
Cuyahoga Metropolitan Housing Authority.	2711 Church Avenue	Cleveland	OH	44113	43,272
Medina Metropolitan Housing Authority.	850 Walter Road	Medina	OH	44256	115,766
Portage Metropolitan Housing Authority.	2832 State Route 59	Ravenna	OH	44266	36,596
Akron Metropolitan Housing Authority.	100 West Cedar Street	Akron	OH	44307	200,864
Trumbull Metropolitan Housing Authority.	4076 Youngstown Road, Southeast, Suite 101.	Warren	OH	44436	63,000
Tuscarawas Metropolitan Housing Authority.	134 Second St. Southwest	New Philadelphia	OH	44663	52,998
Wayne Metropolitan Housing Authority.	345 North Market Street	Wooster	OH	44691	41,830
Erie Metropolitan Housing Authority	322 Warren Street	Sandusky	OH	44870	49,145
City of Middletown, Ohio	1040 Central Avenue	Middletown	OH	45044	78,304
Adams Metropolitan Housing Authority.	401 East Seventh Street	Manchester	OH	45144	37,760
CMHA	16 West Central Parkway	Cincinnati	OH	45202	203,726
Dayton Metropolitan Housing Authority.	P.O. Box 8750, 400 Wayne Avenue	Dayton	OH	45401	115,834
Springfield Metropolitan Housing Authority.	437 East John Street	Springfield	OH	45505	42,478
Chillicothe Metropolitan Housing Authority.	178 West Fourth Street	Chillicothe	OH	45601	32,969
Vinton Metropolitan Housing Authority.	P.O. Box 487, 310 West High Street	McArthur	OH	45651	110,547
City of Marietta, Ohio/PHA	301 Putnam Street	Marietta	OH	45750	46,104
Meigs Housing Authority	117 East Memorial Drive	Pomeroy	OH	45769	14,077
Allen Metropolitan Housing Authority	600 South Main Street	Lima	OH	45804	37,585
Norman Housing Authority	700 North Berry Road	Norman	OK	73069	44,864
Oklahoma Housing Finance Agency	100 Northwest 63rd, Suite 200	Oklahoma City	OK	73116	88,880
Oklahoma City Housing Authority	1700 Northeast Fourth Street	Oklahoma City	OK	73117	52,561
Housing Authority of the City of Stillwater.	807 S. Lowry	Stillwater	OK	74074	42,151
Housing Authority of the City of Tulsa.	415 East Independence	Tulsa	OK	74106	62,918
Housing Authority of the City of Shawnee, Oklahoma.	P.O. Box 3427, 601 West 7th Street	Shawnee	OK	74802	48,691
Housing Authority of Clackamas County.	P.O. Box 1510, 13930 South Gain Street.	Oregon	OR	97045	62,979
Mid Columbia Housing Authority	312 Court Street, Suite 419	The Dalles	OR	97058	79,773
Housing Authority of Washington County (OR022).	111 North East Lincoln, Suite 200–L	Hillsboro	OR	97124	98,124
Housing Authority of Yamhill County	P.O. Box 2, 135 North East Dunn Place.	McMinnville	OR	97128	150,831
Northwest Oregon Housing Authority	P.O. Box 1149, 147 South Main Avenue.	Warrenton	OR	97146	31,891
Housing Authority of the City of Salem.	P.O. Box 808, 360 Church Street, Southeast.	Salem	OR	97308	188,601
Linn-Benton Housing Authority	1250 South East Queen Avenue	Albany	OR	97322	114,821
Housing Authority of Lincoln County	P.O. Box 1470, 1039 Northwest Nye Street.	Newport	OR	97365	34,612
Housing Authority and Community Services Agency of Lane County.	177 Day Island Road	Eugene	OR	97401	102,518
Housing Authority of Douglas County	902 West Stanton	Roseburg	OR	97470	53,555
Housing Authority of Jackson County	2251 Table Rock Road	Medford	OR	97501	89,781
Central Oregon Regional Housing Authority.	405 SW 6th Street	Redmond	OR	97756	82,392
Northeast Oregon Housing Authority	P.O. Box 3357, 2608 May Lane	La Grande	OR	97850	80,878
Housing Authority of Malheur County	959 Fortner Street	Ontario	OR	97914	22,471
Housing Authority & Urban Renewal Agency of Polk County dba West Valley Housing Authority.	204 South West Walnut	Dallas	OR	97338–0476	32,407
Housing Authority of the City of Pittsburgh.	200 Ross Street, 9th Floor	Pittsburgh	PA	15219	185,364
Allegheny County Housing Authority	625 Stanwix Street—12th Floor	Pittsburgh	PA	15243	96,945
Fayette County Housing Authority	624 Pittsburgh Road	Fayette	PA	15436	40,000

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Westmoreland County Housing Authority.	Road #6, Box 223 South Greengate Road.	Greensburg	PA	15601	73,691
Housing Authority of the County of Butler.	114 Woody Drive	Butler	PA	16001	86,544
Housing Authority of the County of Armstrong.	350 South Jefferson Street	Kittanning	PA	16201	25,298
Clarion County Housing Authority	8 West Main Street	Clarion	PA	16214	38,662
Altoona Housing Authority	2700 Pleasant Valley Boulevard	Altoona	PA	16602	53,940
Housing/Redev. Authority of Cumberland County.	114 North Hanover Street	Carlisle	PA	17013	38,389
Housing Authority of the County of Dauphin.	P.O. Box 7598, 501 Mohn Street	Steelton	PA	17113	116,765
Adams County Housing Authority	40 East High Street	Gettysburg	PA	17325	45,905
Housing Authority of the City of York	P.O. Box 1963, 31 South Broad Street.	York	PA	17403	39,510
Housing Authority of the City of Lancaster.	325 Church Street	Lancaster	PA	17602	49,777
Lancaster County Housing Authority	150 North Queen Street, Suite 110	Lancaster	PA	17603	99,554
Housing Authority of Northumberland County.	50 Mahoning Street	Milton	PA	17847	32,231
Delaware County Housing Authority	P.O. Box 100, 1855 Constitution Avenue.	Woodlyn	PA	19094	41,800
Philadelphia Housing Authority	12 South 23rd Street, 6th Floor	Philadelphia	PA	19103	282,659
Housing Auth. of Chester County	30 West Barnard Street, Suite 2	West Chester	PA	19382	98,169
Montgomery County Housing Authority.	104 West Main Street, #1	Norristown	PA	19401	95,167
Municipality of Aguas Buenas	Calle Rafael Lasa, #48	Aguas Buenas	PR	00703	22,622
Municipality of Juana Diaz	Calle Degetau #35	Juana Diaz	PR	00795	21,336
Coventry Housing Authority	14 Manchester Circle	Coventry	RI	02816	47,200
Housing Authority of The Town of East Greenwich.	146 First Avenue	East Greenwich	RI	02818	53,800
Central Falls Housing Authority	30 Washington Street	Central Falls	RI	02863	61,587
Cumberland Housing Authority	573 Mendon Road	Cumberland	RI	02864	44,474
Narragansett Housing Authority	25 Fifth Avenue	Narragansett	RI	02882	74,181
Housing Authority of the City of Woonsocket.	679 Social Street	Woonsocket	RI	02895	45,000
Providence Housing Authority	100 Broad Street	Providence	RI	02903	121,546
Rhode Island Housing	44 Washington Street	Providence	RI	02903	63,000
Town of North Providence Housing Authority.	945 Charles Street	North Providence	RI	02904	53,530
Town of Johnston Housing Authority	8 Forand Circle	Johnston	RI	02919	34,000
SC State Housing Finance & Development Authority.	300–C Outlet Pointe Boulevard	Columbia	SC	29210	60,000
The Housing Authority of the City of Spartanburg.	325 South Church Street	Spartanburg	SC	29306	92,096
The Housing Authority of The City of Charleston.	550 Meeting Street	Charleston	SC	29403	91,396
North Charleston Housing Authority	2170 Ashley Phosphate, Suite 700	North Charleston	SC	29406	45,000
Myrtle Beach Housing Authority	P.O. Box 2468, 605 10th Avenue North.	Myrtle Beach	SC	29578	78,568
The Housing Authority of the City of Greenville, SC.	511 Augusta Street	Greenville	SC	29605	31,742
Housing Authority of Anderson	1335 East River Street	Anderson	SC	29624	36,748
Greenwood Housing Authority	Post Office Box 973, 315 Foundry Road.	Greenwood	SC	29648	36,694
Beaufort Housing Authority	Post Office Box 1104, 1009 Prince Street.	Beaufort	SC	29945	24,724
Brookings County Housing & Redevelopment Commission.	P.O. Box 432, 1310 South Main Street.	Brookings	SD	57006	35,990
Sioux Falls Housing and Redevelopment Commission.	630 South Minnesota Avenue	Sioux Falls	SD	57104	70,287
Mobridge Housing & Redevelopment Commission.	P.O. Box 370, 116 4th Street W	Mobridge	SD	57601	32,571
Metropolitan Development & Housing Agency.	701 South 6th Street	Nashville	TN	37206	176,452
Tennessee Housing Development Agency.	404 James Robertson Parkway, Suite 1114.	Nashville	TN	37243	193,559
Chattanooga Housing Authority	P.O. Box 1486, 505 West M.L. King Jr. Boulevard.	Chattanooga	TN	37401	98,705
Kingsport Housing & Redevelopment Authority.	P.O. Box 44	Kingsport	TN	37662	75,454

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Oak Ridge Housing Authority	10 Van Hicks Lane	Oak Ridge	TN	37830	34,870
Knoxville's Community Development Corporation.	901 North Broadway	Knoxville	TN	37917	85,613
East Tennessee Human Resource Agency, Inc.	9111 Cross Park Drive, D–100	Knoxville	TN	37923	33,145
Memphis Housing Authority	700 Adams Avenue	Memphis	TN	38105	82,450
Jackson Housing Authority	125 Preston Street	Jackson	TN	38301	87,666
Crossville Housing Authority	67 Irwin Avenue	Crossville	TN	38555	48,125
Housing Authority of the City of Plano.	1111 Avenue H, Building A	Plano	TX	75075	35,028
Texoma Council of Governments	1117 Gallagher Drive	Sherman	TX	75090	37,055
Garland Housing Agency	210 Carver Suite, 201B	Garland	TX	75098	48,876
The Housing Authority of the City of Dallas, Texas (DHA).	3939 North Hampton	Dallas	TX	75212	335,898
City of Longview Housing/Community Development.	P.O. Box 1952, 140 East Tyler, #300	Longview	TX	75606	57,761
Deep East Texas Council of Governments.	210 Premier Drive	Jasper	TX	75951	62,492
Housing Authority of the City of Arlington.	501 West Sanford Street, Suite 20	Arlington	TX	76011	103,204
Housing Authority of the City of Fort Worth.	1201 East 13th Street	Fort Worth	TX	76102	42,654
Tarrant County	100 East Weatherford, Suite 500	Fort Worth	TX	76196	105,570
Housing Authority of the City of Waco.	P.O. Box 978, 4400 Cobbs	Waco	TX	76703	70,335
Housing Authority of the City of San Angelo.	420 East 28th	San Angelo	TX	76903	47,427
Housing Authority of the City of Houston.	P.O. Box 2971, 2640 Fountain View Drive.	Houston	TX	77057	77,296
Housing Authority of Montgomery County, Texas.	1022 McCall Street	Conroe	TX	77301	36,928
Galveston Housing Authority	4700 Broadway	Galveston	TX	77551	103,698
Housing Authority of the City of Beaumont.	1890 Laurel	Beaumont	TX	77701	78,174
Laredo Housing Authority	2000 San Francisco Avenue	Laredo	TX	78040	44,608
The Housing Authority of the City of San Antonio.	818 S. Flores Street	San Antonio	TX	78204	94,975
Housing Authority of the City of Brownsville.	2606 Boca Chica Blvd	Brownsville	TX	78521	82,216
Cameron County Housing Authority	P.O. Box 5806, 65 Castellano Circle	Brownsville	TX	78526	83,690
Mission Housing Authority	1300 East 8th	Mission	TX	78572	60,199
Housing Authority of the City of Pharr.	211 West Audrey	Pharr	TX	78577	57,849
Port Isabel Housing Authority	P.O. Box 1196	Port Isabel	TX	78578	25,000
Housing Authority of the County of Hidalgo.	1800 North Texas Boulevard	Weslaco	TX	78596	36,000
City of San Marcos Housing Authority.	1201 Thrope Lane	San Marcos	TX	78666	46,000
Housing Authority of the City of Austin.	1640 B. East 2nd Street	Austin	TX	78702	128,100
City of Amarillo	P.O. Box 1971	Amarillo	TX	79105	34,605
Midland County Housing Authority	1710 Edwards	Midland	TX	79701	40,405
Housing Authority of the City of Anthony.	P.O. Box 1710, 1007 Franklin Street	Anthony	TX	79821	36,876
Housing Authority of the City of El Paso.	5300 Paisano Drive	El Paso	TX	79905	76,405
Davis County Housing Authority	P.O. Box 328, 352 South 200 West, Suite 1.	Farmington	UT	84025	37,081
Housing Authority of Salt Lake City	1776 South West Temple	Salt Lake City	UT	84115	97,317
Housing Authority of the County of Salt Lake.	3595 South Main Street	Salt Lake City	UT	84115	87,487
Housing Authority of the City of Ogden.	2661 Washington Boulevard	Ogden	UT	84401	54,307
Provo City Housing Authority	650 West 100 North	Provo	UT	84601	78,488
Housing Authority of Utah County	240 East Center Street	Provo	UT	84606	42,334
Cedar City Housing Authority	364 South 100 East	Cedar City	UT	84720	50,300
County of Loudoun	102 Heritage Way, Northeast, Suite 200.	Leesburg	VA	20176	63,000
Fairfax County Redevelopment and Housing Authority.	3700 Pender Drive, Suite 300	Fairfax	VA	22030	63,000

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Prince William County Office of Housing & Community Development.	15941 Donald Curtis Drive, Suite 112.	Woodbridge	VA	22191	105,632
Alexandria Redevelopment and Housing Authority.	600 North Fairfax Street	Alexandria	VA	22314	55,000
Harrisonburg Redevelopment and Housing Authority.	P.O. Box 1071	Harrisonburg	VA	22803	22,854
Albemarle County Office of Housing	1600 5th Street, Suite B	Charlottesville	VA	22902	44,000
Waynesboro Redevelopment and Housing Authority.	P.O. Box 1138, 1700 New Hope Road.	Waynesboro	VA	22980	37,138
James City County Office	5248 Olde Town Road Suite 10	Williamsburg	VA	23188	46,107
Virginia Housing Development Authority.	601 South Belvidere Street	Richmond	VA	23220	188,427
Richmond Redevelopment Housing Authority.	P.O. Box 26887, 901 Chamberlayne Parkway.	Richmond	VA	23261	125,620
Chesapeake Redevelopment & Housing Authority.	1468 South Military Highway	Chesapeake	VA	23320	48,033
City of Virginia Beach	2424 Courthouse Drive, Municipal Center, Building 18–A.	Virginia Beach	VA	23456	46,963
Norfolk Redevelopment and Housing Authority.	P.O. Box 968, 201 Granby Street	Norfolk	VA	23510	99,152
Newport News Redevelopment and Housing Authority.	P.O. Box 797, 227 27th Street	Newport News	VA	23607	129,166
Hampton Redevelopment & Housing Authority.	Post Office Box 280	Hampton	VA	23669	44,580
Portsmouth Redevelopment & Housing Authority.	801 Water Street	Portsmouth	VA	23704	41,128
Petersburg Redevelopment & Housing Authority.	128 South Sycamore Street	Petersburg	VA	23804	43,430
Roanoke Redevelopment and Housing Authority.	2624 Salem Turnpike, North West	Roanoke	VA	24017	48,965
Danville Redevelopment and Housing Authority.	651 Cardinal Place	Danville	VA	245431	34,340
Burlington Housing Authority (VT001).	65 Main Street	Burlington	VT	05401	96,751
Vermont State Housing Authority	One Prospect Street	Montpelier	VT	05602	242,891
Seattle Housing Authority	P.O. Box 19028, 120 6th Avenue North.	Seattle	WA	98109	257,825
King County Housing Authority	600 Andover Park West	Tukwila	WA	98188	126,000
Housing Authority of the City of Everett.	P.O. Box 1547, 3107 Colby Avenue	Everett	WA	98201	134,460
Housing Authority of Snohomish County.	12625 4th Avenue West, Suite 200	Everett	WA	98204	18,751
Housing Authority of Island County	7 North West 6th Street	Coupeville	WA	98239	45,925
Housing Authority of the City of Bremerton.	110 Russell Road	Bremerton	WA	98312	41,990
Housing Authority of the County of Clallam.	2603 South Francis Street	Port Angeles	WA	98362	89,600
Housing Authority of Jefferson County.	5210 Kuhn Street	Port Townsend	WA	98368	37,091
Kitsap County Consolidated Housing Authority.	9307 Bayshore Drive, Northwest	Silverdale	WA	98383	96,486
Housing Authority of the City of Tacoma.	902 South L Street	Tacoma	WA	98405	63,000
Pierce County Housing Authority	603 South Polk Street	Tacoma	WA	98444	126,000
Housing Authority of Thurston County.	503 West 4th Avenue	Olympia	WA	98501	126,000
Housing Authority City of Kelso	1415 South Tenth	Kelso	WA	98626	22,618
Housing Authority for the City of Longview.	1207 Commerce Avenue	Longview	WA	98632	76,741
Housing Authority of Chelan County and the City of Wenatchee.	1555 South Methow	Wenatchee	WA	98801	30,910
City of Kenosha Housing Authority	625 52nd Street, Room 98	Kenosha	WI	53140	46,662
City of Waukesha Housing Authority	120 Corrina Boulevard	Waukesha	WI	53186	57,200
New Berlin Housing Authority	120 Corrina Boulevard	Waukesha	WI	53186	28,600
Waukesha County Housing Authority	120 Corrina Boulevard	Waukesha	WI	53186	57,200
Housing Authority of Racine County	837 Main Street	Racine	WI	53403	62,978
Beloit Housing Authority	220 Portland Avenue	Beloit	WI	53511	63,000
Brown County Housing Authority	100 North Jefferson Street	Green Bay	WI	54301	125,693
Dunn County Housing Authority/West CAP.	1421 Stout Road	Menomonie	WI	54751	35,580

FISCAL YEAR 2005 FUNDING AWARDS FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM—Continued

Recipient	Address	City	State	Zip code	Amount
Appleton Housing Authority	925 West Northland Avenue	Appleton	WI	54914	37,594
Greenbrier Housing Authortiy	Route 2, Box 142	Lewisburg	WV	24901	58,027
Housing Authority of the City of Charleston.	P.O. Box 86, 911 Michael Avenue	Charleston	WV	25312	33,704
Housing Authority of Mingo County	P.O. Box 120, 5026 Helena Avenue	Delbarton	WV	25670	31,193
The Huntington WV Housing Authority.	300 Seventh Avenue West	Huntington	WV	25701	35,874
Benwood Housing Authority	2200 Marshall Street	Benwood	WV	26031	35,849
Parkersburg Housing Authority	1901 Cameron Avenue	Parkersburg	WV	26101	27,627
Housing Authority of the City of Buckhannon.	23½ Hinkle Drive	Buckhannon	WV	26201	26,654
The Housing Authority of the City of Fairmont.	P.O. Box 2738, 103 Twelfth Street	Fairmont	WV	26554	53,555

[FR Doc. E7–38 Filed 1–5–07; 8:45 am]

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Federal Register

Monday,
January 8, 2007

Part IV

Department of Housing and Urban Development

24 CFR Part 206

Home Equity Conversion Mortgage (HECM) Counseling Standardization and Roster; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 206

[Docket No. FR–4989–P–01]

RIN 2502–AI34

Home Equity Conversion Mortgage (HECM) Counseling Standardization and Roster

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's HECM regulations to establish testing standards to qualify individuals as HECM counselors eligible to provide HECM counseling to prospective HECM borrowers. The rule also would establish a roster of eligible HECM counselors and provide for their removal for cause. HUD believes that this proposed rule would contribute to improving the quality of HECM counseling. HECM counseling helps to enable elderly homeowners to make more informed decisions when considering whether to pursue a HECM loan.

DATES: *Comment Due Date:* March 9, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Interested persons also may submit comments electronically through The Federal eRulemaking Portal at *www.regulations.gov*. HUD strongly encourages commenters to submit comments electronically in order to make them immediately available to the public. Commenters should follow the instructions provided on that site to submit comments electronically. Facsimile (FAX) comments are not acceptable. In all cases, communications must refer to the docket number and title. All comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Meg Burns, Director, Office of Single Family Program Development, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 9172, Washington, DC 20410–8000; telephone (202) 708–2121 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number through TTY by calling the toll-free Federal Information Relay Service at 1–(800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) authorizes HUD to insure HECMs to enable elderly homeowners to convert the equity in their homes to streams of income. For purposes of this proposed rule, the pertinent sections of the National Housing Act are: Sections 255(d)(2)(B), which requires that a mortgagor receive adequate counseling by a third party (other than the lender); Section 255(e)(1), which requires that each mortgagee make available to a homeowner, at the time of the loan application, a written list of the names and addresses of third-party information sources who are approved by HUD as responsible and able to provide the information required by subsection 255(f); and Section 255(f), which lists the type of information that must be provided to a mortgagor by a counselor. Section 255(f) requires the provision of consumer education and information to HECM mortgagors by entities other than the lender. Such information must include options other than a HECM, the financial implications of entering into a HECM, the tax consequences of a HECM, and any other information that HUD or the prospective HECM borrower may request. HUD's regulations implementing the HECM program are codified at 24 CFR part 206.

II. This Proposed Rule

This proposed rule would establish regulations to ensure that ''third-party information sources'' (Section 255(e)(1)) are properly trained and qualified to provide ''adequate counseling'' (Section 255(d)(2)(B)) to elderly homeowners applying for a HECM loan.

Section 206.302 of the rule would provide for the establishment of the HECM counselor roster. This section provides that HUD will maintain the roster and requires an applicant for a HECM loan to use a counselor registered on the roster. In addition, this section explains that the inclusion of a counselor on the HECM counselor roster means only that a listed counselor has met the qualifications and conditions, prescribed by HUD, for inclusion on the roster.

The eligibility requirements for a HECM counselor to be placed on the HECM roster are proposed at § 206.304. Paragraph (a) of § 206.304 requires a HECM counselor to apply to HUD to be considered for placement on the HECM roster. Proposed § 206.304(b) sets forth the eligibility requirements for placement of a counselor on the roster. Among the requirements is that a counselor must be employed by a HUD-approved housing counseling agency. Additionally, a counselor must pass a standardized HECM test that assesses minimum competencies. To remain eligible to counsel applicants seeking a HECM loan insured by HUD, approved HECM counselors must continue to receive training and education.

The causes for the removal of a HECM counselor from the HECM counselor roster are described at § 206.306. Causes for removal include, among other things, failure to comply with the eligibility requirements, civil rights requirements, applicable statutes, regulations, or other written instructions or standards issued by HUD; and failure to maintain any registration or certification requirements of a state or local authority. A counselor may also be removed from the roster for steering clients to a particular lender. Further, the proposed rule sets forth in § 206.306(c) the procedure for removal of a HECM counselor from the HECM roster, including the detailed notice requirements that HUD will observe. Proposed § 206.306(d) describes how a HECM counselor who has been removed from the HECM counselor roster may be restored to the roster. At any time, a HECM counselor may make a request to HUD, in writing, that he or she be removed from the roster. Paragraph (f) of proposed § 206.306 states that nothing in the rule would prohibit HUD from seeking other remedies beyond those in the rule against an errant HECM counselor. This proposed rule would also make conforming changes to § 206.3 and § 206.41.

III. Request for Public Comments

In addition to soliciting comments generally, the Department is seeking specific comments on two areas of interest. First, the Department is seeking input from housing counseling agencies and counselors concerning the implementation of the HECM roster for HECM counselors who have already passed the HECM counseling exam. Specifically, should HUD adopt a delayed implementation for those counselors that have already passed the exam, or alternatively, should those

counselors automatically be included in the roster for a period of time before they must repeat the exam? Second, HUD invites comments that address whether a counselor should be required to take the exam on a regular basis, for example, every 2 years, in order to remain on the roster, and, if so, how often should housing counselors take the exam to remain on the roster.

Findings and Certifications

Paperwork Reduction Act

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

HUD's estimate of the total reporting and recordkeeping burden that will result from the collection of information is as follows:

Section reference	Number of parties	Number of responses per respondent	Estimated average time for requirement (in hours)	Estimated annual burden (in hours)
Standardized test	200	1	2.00	400
Application	200	1	0.25	50
Continuing education and recordkeeping	200	1	2.00	400
Request to be removed from roster	5	1	0.25	1.25

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.*, permitting responses to be submitted electronically.

Interested persons are invited to submit comments regarding the information collection requirements in this rule. Comments must be received within 30 days from the date of this rule. Comments must refer to the rule by name and docket number (FR–4989) and be sent to:

HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, FAX (202) 395–6974;

and

Kathleen McDermott, Reports Liaison Officer, Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7232, Washington, DC 20410–7000.

Environmental Impact

This proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, review, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this proposed rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and on the private sector. This rule would not impose a federal mandate on any state, local, or tribal government, nor on the private sector, within the meaning of the Unfunded Mandates Reform Act of 1995.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) 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. There are no anti-competitive discriminatory aspects of the rule with regard to small entities, and there are not any unusual procedures that would need to be complied with by small entities. The rule would require that HECM counselors be trained and qualified to perform their functions. This may require a financial outlay, but the expense should be relatively small. As such, any new expense to small entities caused by this rule would be negligible. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this rule will not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments, nor does it preempt state law within the meaning of the Executive Order.

Executive Order 12866, Regulatory Planning and Review

OMB reviewed this rule under Executive Order 12866 (entitled, ''Regulatory Planning and Review''). OMB determined that this rule is a ''significant regulatory action'' as defined in section 3(f) of the Order (although not an economically significant regulatory action under the

Order). The docket file is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Divisions at (202) 708–3055 (this is not a toll-free number).

List of Subjects in 24 CFR Part 206

Aged, Condominiums, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number is 14.183.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 206 to read as follows:

PART 206—HOME EQUITY CONVERSION MORTGAGE INSURANCE

1. The authority citation for part 206 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715z–1720; 42 U.S.C. 3535(d).

2. Amend § 206.3 by adding, alphabetically, a definition of ''Home Equity Conversion Mortgage (HECM) counselor'' to read as follows:

§ 206.3 Definitions.

* * * * *

Home Equity Conversion Mortgage (HECM) counselor means an individual who provides statutorily required counseling to individuals and their families who may be eligible for or interested in obtaining an FHA-insured HECM. This counseling assists elderly homeowners who seek to convert equity in their homes into income that can be used to pay for home improvements, medical costs, living expenses, or other expenses.

* * * * *

3. Revise § 206.41(a) to read as follows:

§ 206.41 Counseling.

(a) *List provided*. At the time of the initial contact with the prospective mortgagor, the mortgagee shall give the mortgagor a list of the names, addresses, and telephone numbers of housing counselors, which have been approved by the Secretary in accordance with subpart E of this part, as qualified and able to provide the information described in paragraph (b) of this section. The mortgagor must receive counseling.

* * * * *

4. Add a new subpart E to read as follows:

Subpart E—HECM Counselor Roster

Sec.
206.300 General.
206.302 Establishment of the HECM counselor roster.
206.304 Eligibility for placement on the HECM counselor roster.
206.306 Removal from the HECM counselor roster.

Subpart E—HECM Roster

§ 206.300 General.

This subpart provides for the establishment of a roster of HECM counselors and sets forth the requirements for the operation of the HECM counseling program.

§ 206.302 Establishment of the HECM counselor roster.

(a) HUD maintains a roster of HECM counselors. Only counselors listed on the roster are approved to provide HECM counseling. A homeowner applying for a HECM loan to be insured by HUD must receive the required HECM counseling from one of the counselors on the roster. The inclusion of a HECM counselor on the HECM counselor roster does not create or imply a warranty or endorsement by HUD of the listed counselor to a prospective HECM borrower or to any other organization or individual, nor does it represent a warranty of any counseling provided by the listed HECM counselor. The inclusion of a counselor on the HECM counselor roster means that a listed counselor has met the HUD-prescribed qualifications and conditions for inclusion on the roster and that the counselor is approved to provide HECM counseling by telephone or face-to-face.

(b) *Effective date*. (1) HECM counselors who have already taken and passed the HECM counseling exam on or before the date when the requirement for the examination described in this section becomes effective have until 6 months following this date to apply for placement on the roster.

(2) Establishment of the HECM counselor roster will take place 6 months following the effective date of this subpart.

§ 206.304 Eligibility for placement on the HECM counselor roster.

(a) *Application*. To be considered for placement on the roster, a HECM counselor must apply to HUD in a form and in a manner prescribed by HUD. The application must show proof of eligibility.

(b) *Eligibility*. To be eligible for placement on the HECM roster and to be maintained on the roster, an applicant must show proof satisfactory to HUD that the applicant:

(1) Is employed by a HUD-approved housing counseling agency or affiliate of a HUD-approved intermediary or state housing finance agency;

(2) Successfully passed a standardized HECM exam administered by HUD or a party selected by HUD;

(3) Received or is receiving, on a continuing basis, training, education, and technical assistance related to HECMs, and maintains evidence or verification thereof, which must be made available to HUD upon request. For purposes of this paragraph, HUD will consider a HECM counselor's enrollment in and successful completion of a HECM course no less than once every 2 years as proof of a HECM counselor's continuing training and education;

(4) Has access to and is supported by technology that enables HUD to track the results of the counseling offered to each loan applicant, e.g., what action(s), if any, did the client take after receiving the HECM counseling.

§ 206.306 Removal from the HECM counselor roster.

(a) *General*. HUD reserves the right to remove any HECM counselor from the HECM roster for any cause that HUD determines to be harmful to HUD or its programs.

(b) *Cause for removal*. Cause for removal of a HECM counselor from the HECM roster includes, but is not limited to:

(1) Failure to follow the eligibility requirements described in § 206.304(b)(3) and (4);

(2) Failure to respond within a reasonable time to HUD inquiries or requests for documentation;

(3) Misrepresentation or fraudulent statements;

(4) Promotion, representation, or recommendation of any specific lender;

(5) Failure to comply with applicable civil rights requirements;

(6) Failure to comply with applicable regulations or other written instructions or standards issued by HUD;

(7) Failure to comply with applicable statutory counseling requirements found at section 255(f) of the National Housing Act, which include but are not limited to providing information about: Options other than a HECM, the financial implications of entering into a HECM, the tax consequences of a HECM, and any other information that HUD or the applicant may request.

(8) Failure to maintain any registration or certification requirements of a state or local authority;

(9) Unsatisfactory performance in providing counseling to HECM loan applicants. HUD may determine that a HECM counselor's performance is unsatisfactory if the counselor fails to employ the minimum competencies, as measured by the HUD-administered HECM counseling exam; or

(10) For any other reason HUD determines to be so serious as to justify an administrative sanction.

(c) *Procedure for removal from the HECM counselor roster.* A HECM counselor who is required to maintain a state or local registration or certification whose registration or certification is revoked, suspended, or surrendered will be automatically suspended from the HECM counselor roster until HUD receives evidence demonstrating that the local- or state-imposed sanction has been lifted. In all other cases, the following procedures apply to removal of a HECM counselor from the roster;

(1) HUD will give the HECM counselor written notice of the proposed removal. The notice will state the reasons for and the duration of the proposed removal.

(2) The HECM counselor will have 20 days from the date of receipt of the notice (or such time as described in the notice, but in no event less than a period of 20 days) to submit a written appeal of the proposed removal along with a written request for a conference.

(3) A HUD official will review the appeal and render a response affirming, modifying, or canceling the removal. The HUD official will not be a person who was involved in HUD's initial removal decision. HUD will respond with a decision within 30 days after the date of receiving the appeal or, if the counselor has requested a conference, within 30 days after the conference was held. HUD may extend the 30-day period by providing written notice to the counselor.

(4) If the counselor does not submit a timely written response, the removal will be effective 20 days after the date of HUD's initial removal notice (or after the period provided in the notice, if longer than 20 days). If a written response is submitted, and the removal decision is affirmed or modified, the removal will be effective on the date of HUD's notice affirming or modifying the initial removal decision.

(d) *Placement on the roster after removal.* A counselor who has been removed from the roster may apply for reinstatement on the roster (in accordance with § 206.304) after the period of the counselor's removal from the roster has expired. An application from a counselor for reinstatement on the roster will be rejected if the period of the counselor's removal from the roster has not expired.

(e) *Voluntary removal.* A HECM counselor may submit a written request to HUD to remove the HECM counselor from the roster.

(f) *Other action.* Nothing in this section prohibits HUD from taking such other action against a counselor or from seeking any other remedy against a counselor available to HUD by statute or other authority.

Dated: December 5, 2006.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E7–37 Filed 1–5–07; 8:45 am]

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H.R. 5782/P.L. 109–468

Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (Dec. 29, 2006; 120 Stat. 3486)

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1910 (§§ 1910.1000 to end)	(869–060–00109–3)	46.00	July 1, 2006
1911–1925	(869–060–00110–7)	30.00	July 1, 2006
1926	(869–060–00111–5)	50.00	July 1, 2006
1927–End	(869–060–00112–3)	62.00	July 1, 2006
30 Parts:			
1–199	(869–060–00113–1)	57.00	July 1, 2006
200–699	(869–060–00114–0)	50.00	July 1, 2006
700–End	(869–060–00115–8)	58.00	July 1, 2006
31 Parts:			
0–199	(869–060–00116–6)	41.00	July 1, 2006
200–499	(869–060–00117–4)	46.00	July 1, 2006
500–End	(869–060–00118–2)	62.00	July 1, 2006
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–060–00119–1)	61.00	July 1, 2006
191–399	(869–060–00120–4)	63.00	July 1, 2006
400–629	(869–060–00121–2)	50.00	July 1, 2006
630–699	(869–060–00122–1)	37.00	July 1, 2006
700–799	(869–060–00123–9)	46.00	July 1, 2006
800–End	(869–060–00124–7)	47.00	July 1, 2006
33 Parts:			
1–124	(869–060–00125–5)	57.00	July 1, 2006
125–199	(869–060–00126–3)	61.00	July 1, 2006
200–End	(869–060–00127–1)	57.00	July 1, 2006
34 Parts:			
1–299	(869–060–00128–0)	50.00	July 1, 2006
300–399	(869–060–00129–8)	40.00	July 1, 2006
400–End & 35	(869–060–00130–1)	61.00	[8] July 1, 2006
36 Parts:			
1–199	(869–060–00131–0)	37.00	July 1, 2006
200–299	(869–060–00132–8)	37.00	July 1, 2006
300–End	(869–060–00133–6)	61.00	July 1, 2006
37	(869–060–00134–4)	58.00	July 1, 2006
38 Parts:			
0–17	(869–060–00135–2)	60.00	July 1, 2006
18–End	(869–060–00136–1)	62.00	July 1, 2006
39	(869–060–00137–9)	42.00	July 1, 2006
40 Parts:			
1–49	(869–060–00138–7)	60.00	July 1, 2006
50–51	(869–060–00139–5)	45.00	July 1, 2006
52 (52.01–52.1018)	(869–060–00140–9)	60.00	July 1, 2006
52 (52.1019–End)	(869–060–00141–7)	61.00	July 1, 2006
53–59	(869–060–00142–5)	31.00	July 1, 2006
60 (60.1–End)	(869–060–00143–3)	58.00	July 1, 2006
60 (Apps)	(869–060–00144–7)	57.00	July 1, 2006
61–62	(869–060–00145–0)	45.00	July 1, 2006
63 (63.1–63.599)	(869–060–00146–8)	58.00	July 1, 2006
63 (63.600–63.1199)	(869–060–00147–6)	50.00	July 1, 2006
63 (63.1200–63.1439)	(869–060–00148–4)	50.00	July 1, 2006
63 (63.1440–63.6175)	(869–060–00149–2)	32.00	July 1, 2006
63 (63.6580–63.8830)	(869–060–00150–6)	32.00	July 1, 2006
63 (63.8980–End)	(869–060–00151–4)	35.00	July 1, 2006
64–71	(869–060–00152–2)	29.00	July 1, 2006
72–80	(869–060–00153–1)	62.00	July 1, 2006
81–85	(869–060–00154–9)	60.00	July 1, 2006
86 (86.1–86.599–99)	(869–060–00155–7)	58.00	July 1, 2006
86 (86.600–1–End)	(869–060–00156–5)	50.00	July 1, 2006
87–99	(869–060–00157–3)	60.00	July 1, 2006
100–135	(869–060–00158–1)	45.00	July 1, 2006
136–149	(869–060–00159–0)	61.00	July 1, 2006
150–189	(869–060–00160–3)	50.00	July 1, 2006
190–259	(869–060–00161–1)	39.00	July 1, 2006
260–265	(869–060–00162–0)	50.00	July 1, 2006
266–299	(869–060–00163–8)	50.00	July 1, 2006
300–399	(869–060–00164–6)	42.00	July 1, 2006
400–424	(869–060–00165–4)	56.00	July 1, 2006
425–699	(869–060–00166–2)	61.00	July 1, 2006
700–789	(869–060–00167–1)	61.00	July 1, 2006
790–End	(869–060–00168–9)	61.00	July 1, 2006
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–060–00169–7)	24.00	July 1, 2006
101	(869–060–00170–1)	21.00	[8] July 1, 2006
102–200	(869–060–00171–9)	56.00	July 1, 2006
201–End	(869–060–00172–7)	24.00	July 1, 2006
42 Parts:			
1–399	(869–060–00173–5)	61.00	Oct. 1, 2006
400–413	(869–060–00174–3)	32.00	Oct. 1, 2006
414–429	(869–060–00175–1)	32.00	Oct. 1, 2006
430–End	(869–060–00176–0)	64.00	Oct. 1, 2006
43 Parts:			
1–999	(869–060–00177–8)	56.00	Oct. 1, 2006
1000–end	(869–060–00178–6)	62.00	Oct. 1, 2006
44	(869–060–00179–4)	50.00	Oct. 1, 2006
45 Parts:			
1–199	(869–060–00180–8)	60.00	Oct. 1, 2006
200–499	(869–060–00181–6)	34.00	Oct. 1, 2006
500–1199	(869–060–00182–4)	56.00	Oct. 1, 2006
1200–End	(869–060–00183–2)	61.00	Oct. 1, 2006
46 Parts:			
1–40	(869–060–00184–1)	46.00	Oct. 1, 2006
41–69	(869–060–00185–9)	39.00	Oct. 1, 2006
70–89	(869–060–00186–7)	14.00	Oct. 1, 2006
90–139	(869–060–00187–5)	44.00	Oct. 1, 2006
140–155	(869–060–00188–3)	25.00	Oct. 1, 2006
156–165	(869–060–00189–1)	34.00	Oct. 1, 2006
166–199	(869–060–00190–5)	46.00	Oct. 1, 2006
200–499	(869–060–00191–3)	40.00	Oct. 1, 2006
500–End	(869–060–00192–1)	25.00	Oct. 1, 2006
47 Parts:			
0–19	(869–060–00193–0)	61.00	Oct. 1, 2006
20–39	(869–060–00194–8)	46.00	Oct. 1, 2006
40–69	(869–060–00195–6)	40.00	Oct. 1, 2006
*70–79	(869–060–00196–4)	61.00	Oct. 1, 2006
80–End	(869–060–00197–2)	61.00	Oct. 1, 2006
48 Chapters:			
1 (Parts 1–51)	(869–056–00197–5)	63.00	Oct. 1, 2005
1 (Parts 52–99)	(869–056–00198–3)	49.00	Oct. 1, 2005
2 (Parts 201–299)	(869–060–00200–6)	50.00	Oct. 1, 2006
3–6	(869–060–00201–4)	34.00	Oct. 1, 2006
7–14	(869–060–00202–2)	56.00	Oct. 1, 2006

Title	Stock Number	Price	Revision Date
*15–28	(869–060–00203–1)	47.00	Oct. 1, 2006
29–End	(869–060–00204–9)	47.00	Oct. 1, 2006
49 Parts:			
1–99	(869–060–00205–7)	60.00	Oct. 1, 2006
100–185	(869–056–00205–0)	63.00	Oct. 1, 2005
186–199	(869–060–00207–3)	23.00	Oct. 1, 2006
200–299	(869–060–00208–1)	32.00	Oct. 1, 2006
300–399	(869–060–00209–0)	32.00	Oct. 1, 2006
400–599	(869–060–00210–3)	64.00	Oct. 1, 2006
*600–999	(869–060–00211–1)	19.00	Oct. 1, 2006
1000–1199	(869–060–00212–0)	28.00	Oct. 1, 2006
1200–End	(869–056–00212–2)	34.00	Oct. 1, 2005
50 Parts:			
1–16	(869–060–00214–6)	11.00	[9] Oct. 1, 2006
17.1–17.95(b)	(869–056–00214–9)	32.00	Oct. 1, 2005
17.95(c)–end	(869–056–00215–7)	32.00	Oct. 1, 2005
17.96–17.99(h)	(869–060–00217–1)	61.00	Oct. 1, 2006
17.99(i)–end and 17.100–end	(869–060–00218–9)	47.00	[9] Oct. 1, 2006
18–199	(869–056–00218–1)	50.00	Oct. 1, 2005
*200–599	(869–060–00220–1)	45.00	Oct. 1, 2006
600–End	(869–056–00219–0)	62.00	Oct. 1, 2005
CFR Index and Findings Aids	(869–060–00050–0)	62.00	Jan. 1, 2006
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Complete set (one-time mailing)		325.00	2004

[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, 2006. 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, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2004 should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2005 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2005, through July 1, 2006. The CFR volume issued as of July 1, 2005 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2005, through October 1, 2006. The CFR volume issued as of October 1, 2005 should be retained.