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# Federal Register

2–16–07 Friday
Vol. 72 No. 32 Feb. 16, 2007

Pages 7547–7736

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# Rules and Regulations

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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.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 920

**[Docket No. FV06–920–1 FIR]**

### Kiwifruit Grown in California; Relaxation of Container Marking Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule that relaxed the container marking requirements for kiwifruit covered under the California kiwifruit marketing order (order). The order regulates the handling of kiwifruit grown in California and is administered locally by the Kiwifruit Administrative Committee (Committee). Prior to implementation of the interim final rule, kiwifruit that had been inspected, met applicable grade and size requirements, and was subsequently placed into new containers, had to be positive lot identified, which required reinspection. This rule continues in effect the action that established procedures for handlers to ship such kiwifruit without positive lot identification (PLI). This rule is intended to reduce handler inspection costs and facilitate the marketing of kiwifruit.

**DATES:** *Effective Date:* March 19, 2007.

**FOR FURTHER INFORMATION CONTACT:** Shereen Marino, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, telephone: (559) 487–5901, Fax: (559) 487–5906, or E-mail: *Shereen.Marino@usda.gov,* or *Kurt.Kimmel@usda.gov.*

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

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Order No. 920 as amended (7 CFR part 920), regulating the handling of kiwifruit grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule continues in effect the action that relaxed the container marking requirements for kiwifruit covered under the order. Prior to implementation of the interim final rule, kiwifruit that had been inspected, met applicable grade and size requirements, and was subsequently placed into new containers, had to be positive lot identified, which required reinspection. This rule continues to establish procedures for handlers to ship such kiwifruit without PLI. This rule is intended to reduce handler inspection costs and facilitate the marketing of kiwifruit. The Committee unanimously recommended this change at its April 6, 2006, meeting.

Section 920.52(a) of the order provides authority for grade, size, pack, container, and container marking requirements for shipments of fresh kiwifruit. Section 920.55 of the order requires inspection and certification of kiwifruit prior to shipment by the Federal or Federal-State Inspection Service (FSIS). Section 920.302 of the order's regulations specifies applicable grade, size, pack, and container requirements and § 920.303 specifies applicable container marking requirements.

Paragraph (d) of § 920.303 requires that containers of kiwifruit be positive lot identified prior to shipment. PLI helps to ensure that a specific load or lot of kiwifruit can be linked to an inspection certificate and provides verification that the fruit was inspected. No less than 75 percent of the containers of kiwifruit on a pallet must be marked with a lot stamp number corresponding to the lot inspection conducted by the FSIS. This lot stamp number is a PLI number that can be matched to an inspection certificate. Individual consumer packages within a master container, and containers being directly loaded into a vehicle for export under FSIS supervision are exempt from PLI. Individual consumer packages placed directly on a pallet, and plastic containers of kiwifruit must be positive lot identified.

Prior to implementation of the interim final rule, kiwifruit that had been inspected and certified, and was subsequently placed into new containers, had to be positive lot identified. When such kiwifruit is placed into new containers, the PLI mark on the container is lost and thus the lot is not easily identified. The new containers must be reinspected and marked with a new PLI number. Reinspection costs for such kiwifruit account for roughly 20 percent of annual inspection costs for handlers.

In an effort to reduce handler costs, the Committee recommended establishing procedures for handlers to

ship previously inspected kiwifruit placed in new containers without PLI. Handlers now have the option of having such kiwifruit reinspected and marked with a PLI number or requesting a verification number under a new verification process. Such kiwifruit must be of the same grade and size as originally inspected. The handler must contact the FSIS to obtain a verification number prior to shipment, and plainly mark one end of each container with the letter ''R'' and the verification number. The letter ''R'' and the verification number must not be less than one-half inch in height. The handler must submit a Kiwifruit Verification Form to the FSIS within 3 business days of such request, and provide the following information from the original inspection: (i) The positive lot identification numbers; (ii) the identity of the handler; (iii) the inspection certificate numbers; (iv) the grade and size of the kiwifruit; (v) the number and type of containers; and (v) the handler's brand; and the following information on the kiwifruit placed into new containers: (i) The number and type of containers; and (ii) the applicable brand. The verification number is linked to the PLI number, thus providing a method to trace the fruit back to the original inspection certificate. The FSIS maintains the Kiwifruit Verification Forms. The Committee will make use of completed forms to audit handlers as needed to ensure compliance, pursuant to authority provided in § 920.61.

Accordingly, a new paragraph (f) was added to § 920.303 that established the verification procedures described above. Additionally, a new sentence was added to the beginning of paragraph (d) in that section to clarify that except as provided in the new paragraph (f), containers of kiwifruit must be positive lot identified prior to shipment in accordance with specified requirements. Paragraph (d) was modified further for clarification purposes to change the term ''lot stamp number'' to ''positive lot identified,'' and to change the term ''plastic container'' to ''reusable plastic container.''

**Final Regulatory Flexibility Analysis**

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

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

There are approximately 37 handlers of kiwifruit subject to regulation under the marketing order and approximately 220 growers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those whose annual receipts are less than $6,500,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000. None of the 37 handlers subject to regulation have annual kiwifruit sales of $6,500,000. In addition, six growers subject to regulation have annual sales exceeding $750,000. Therefore, all of the kiwifruit handlers and a majority of the growers may be classified as small entities.

This rule continues in effect the action that relaxed the container marking requirements specified in § 920.303. Prior to implementation of the interim final rule, kiwifruit that had been inspected, met applicable grade and size requirements, and was subsequently placed into new containers had to be positive lot identified, which required reinspection. This rule continues to establish procedures for handlers to ship such kiwifruit without PLI. The verification procedures are specified in § 920.303(f). Handlers must obtain a verification number from the FSIS, mark their new containers with such number and the letter ''R,'' and submit a Kiwifruit Verification Form to the FSIS. The verification number can be linked to the original PLI number, thereby providing a method to trace the fruit back to the original inspection certificate. This action is intended to reduce handler inspection costs and facilitate the marketing of kiwifruit. This rule also continues in effect minor modifications to paragraph (d) of § 920.303 for clarification purposes. Authority for this action is provided in §§ 902.52(a)(3) and 920.55 of the order.

The impact of this change on handlers was discussed by the Committee. Reinspection costs due to PLI requirements account for roughly 20 percent of annual inspection costs for the industry. Additionally, an average of 20 percent of the crop is placed into new containers annually. The following table shows inspection costs for in-line inspection, lot inspection, and kiwifruit placed into new containers for 2001 to 2005.

| Year | In-Line | Lot | New containers | Total cost |
|---|---|---|---|---|
| 2001–02 | $107,702 | $15,254 | $38,411 | $161,367 |
| 2002–03 | 96,376 | 24,866 | 35,521 | 156,763 |
| 2003–04 | 111,228 | 12,064 | 29,197 | 152,489 |
| 2004–05 | 129,197 | 24,319 | 31,415 | 184,931 |

This change reduces inspection costs because handlers have the option of using the new verification process instead of having kiwifruit reinspected to conform to PLI requirements. Additionally, reinspection can delay shipments because kiwifruit cannot be shipped until reinspection has been completed by the FSIS.

The Committee considered the alternative of maintaining the status quo, but this was not viable. As an option to reinspection, identity of the lot can be achieved through the verification number, which provides a trace back to the original inspection certificate. Additionally, such kiwifruit has already met the minimum requirements of the marketing order. It is anticipated that the rule provides a cost savings to handlers.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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

access to Government information and services, and for other purposes.

In addition, the Committee's meeting was widely publicized throughout the kiwifruit industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the April 6, 2006, meeting was a public meeting and all entities, both large and small, were encouraged to express their views on these issues.

An interim final rule concerning this action was published in the **Federal Register** on October 3, 2006. Copies of the rule were mailed by the Committee's staff to all Committee members and kiwifruit handlers. In addition, the rule was made available through the Internet by USDA and the Office of the **Federal Register**. That rule provided for a 60-day comment period which ended December 4, 2006. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

**Paperwork Reduction Act**

The interim final rule published on October 3, 2006, provided a 60-day period for comments on the reporting requirements in that rule. No comments were received. In accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*], the information collection was approved by the Office of Management and Budget (OMB), under OMB No. 0581–0238, ''Kiwifruit Grown in California.''

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (71 FR 58246, October 3, 2006) will tend to effectuate the declared policy of the Act.

**List of Subjects in 7 CFR Part 920**

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

## PART 920—KIWIFRUIT GROWN IN CALIFORNIA

■ Accordingly, the interim final rule amending 7 CFR part 920, which was published at 71 FR 58246 on October 3, 2006, is adopted as a final rule without change.

Dated: February 12, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E7–2732 Filed 2–15–07; 8:45 am]

BILLING CODE 3410–02–P

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 958

**[Docket No. AMS–FV–06–0179; FV06–958–1 FIR]**

## Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Change in Reporting Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule changing the reporting requirements established under the Idaho-Eastern Oregon onion marketing order, which regulates the handling of onions grown in designated counties in Idaho and Oregon and is administered locally by the Idaho-Eastern Oregon Onion Committee. This rule continues in effect the action that: Established a credit application procedure for assessments paid on onions that are subsequently regraded, resorted, or repacked within the production area or diverted to exempt special purpose outlets; changed the reporting requirements for fresh onions for peeling, chopping, or slicing, and for special purpose shipments; and added ''disposal'' as a special purpose shipment.

**DATES:** *Effective Date:* March 19, 2007.

**FOR FURTHER INFORMATION CONTACT:** Susan M. Hiller, Marketing Specialist, or Gary D. Olson, Regional Manager, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or E-mail: *Susan.Hiller@usda.gov* or *GaryD.Olson@usda.gov.*

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

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 130 and Marketing Order No. 958, both as amended (7 CFR part 958), regulating the handling of onions grown in designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule continues in effect the action that established an application procedure for handlers to receive credit for assessments paid on onions that are subsequently regraded, resorted, or repacked within the production area or diverted to exempt special purpose outlets; changed the reporting requirements for fresh onions for peeling, chopping, or slicing; changed the reporting requirements for special purpose shipments; and added ''disposal'' as a special purpose shipment. These actions were unanimously recommended by the Committee at a meeting on June 15, 2006.

Section 958.53 provides authority for the Committee, with the approval of USDA, to exempt special purpose

shipments from assessment and handling regulations established under the order. Under this authority, § 958.328(e) exempts onions for planting, livestock feed, charity, dehydration, canning, freezing, extraction, and pickling from the minimum grade, size, maturity, assessment, and inspection requirements. Section 958.56 provides authority for the Committee, with the approval of USDA, to prescribe safeguards to prevent onions from entering channels of trade for other than the purpose authorized. Safeguards in effect are delineated in § 958.328(f). Section 958.65 provides authority for the Committee, with the approval of USDA, to require such reports and other information as may be necessary for the Committee to perform its duties.

The Committee conducted an industry-wide meeting on January 17, 2006, to review the compliance and safeguard provisions of the order. The Committee appointed a Compliance Subcommittee, which met on May 16, 2006, to review the comments received. The three main areas of concern expressed by industry members were: (1) The need to provide a procedure for handlers to obtain credit for assessments paid on onions that are subsequently regraded, resorted, or repacked within the production area or diverted into exempt special purpose outlets; (2) improving the method of reporting fresh market onions for peeling, chopping, or slicing; and (3) improving and streamlining the safeguards for special purpose shipments. An overriding concern expressed was the need to decrease the reporting burden on receivers (buyers) of Idaho-Eastern Oregon onions.

The Committee met on June 15, 2006, to hear the report of the Compliance Subcommittee. The Committee thereafter unanimously recommended changing the reporting requirements established under the order to address these three areas of concern. The Committee recommended adding a new § 958.250 and a new form, ''Assessment Credit Report'', which establishes a procedure for those handlers who would like credit for assessments paid on onions in accordance with §§ 958.42 and 958.240 that are subsequently regraded, resorted, or repacked within the production area, or shipped into special purpose outlets. The Committee also recommended that ''disposal'' be added to § 958.328(e) as a special purpose to allow handlers to receive assessment credit on onions for which assessments have been paid when such onions are disposed of. Disposal means destroying the onions, generally by burying the onions in special pits.

The Committee unanimously recommended changing the reporting requirements for fresh onions for peeling, chopping, or slicing in § 958.328(d) by removing receiver reporting requirements. Previously, the name of Form No. FV–37 was the ''Rehandling of Onions Report'', which handlers found confusing and unrelated to the actual activity. The form has been renamed ''Fresh Cut Report'' (same form number) and will be submitted by handlers to report multiple shipments rather than individual shipments.

The Committee agreed with industry concerns that reporting burdens should not be placed on the receivers of Idaho-Eastern Oregon onions. Receivers are able to acquire onions from regions that do not have a marketing order in effect and thus avoid reporting requirements. The Committee received information that handlers in the production area may have lost sales due to receiver reporting requirements.

This rule also continues in effect the action that changed the safeguard reporting requirements in § 958.328(f) by clarifying that the safeguard procedures are required only for onions shipped outside the Idaho-Eastern Oregon onion production area.

Under the new safeguard procedures, with newly revised forms, handlers will notify the Committee and obtain a Certificate of Privilege permit number by completing form FV–34, ''Application to Make Special Purpose Shipments—Certificate of Privilege.'' Receivers of special purpose onions will only need to complete form FV–36, ''Special Purpose Shipment Receiver Certification'' indicating they will use the onions in an approved special purpose outlet. Receivers will no longer be required to submit form FV–35, ''Onion Diversion Report'' for every shipment. Handlers will submit additional information to the Committee on form FV–34, ''Application to Make Special Purpose Shipments—Certificate of Privilege.'' This information includes type of sale, total hundredweight for the sale, and the type of container for the sale. This form can be used to report multiple shipments.

These changes are intended to enhance compliance with the special purpose shipment procedures established under the order and contribute to the efficient operation of the program.

And finally, this rule continues in effect the action that reorganized the rules and regulations issued under this order by removing the heading ''Subpart—Assessment Rates'' and adding a new heading ''Subpart—Rules and Regulations.''

**Final Regulatory Flexibility Analysis**

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

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

There are approximately 250 producers of onions in the production area, 38 handlers, and 24 receivers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (SBA)(13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $6,500,000.

The National Agricultural Statistics Service (NASS) reported in the ''Vegetables 2005 Summary'', published in January 2006, that the total F.O.B. value of onions in the regulated production area for 2005 was $148,685,000. Therefore, based on an industry of 250 producers, 38 handlers, and 24 receivers, the majority of producers, handlers, and receivers of Idaho-Eastern Oregon onions may be classified as small entities.

This rule continues in effect the action that added a new § 958.250, which establishes an application procedure for handlers to receive credit for assessments paid on onions in accordance with §§ 958.42 and 958.240 that are subsequently regraded, resorted, repacked within the production area, or sent to exempt special purpose outlets. This rule also finalizes the action that added ''disposal'' as a special purpose shipment.

The rule also continues in effect the action that changed the reporting requirements for fresh onions for peeling, chopping, or slicing and for special purpose shipments by reducing receiver reporting requirements and streamlining handler reporting requirements.

Regarding the impact of these actions on affected entities, this rule imposes minimal additional costs. This rule

continues in effect the action that established a procedure to make it easier for handlers to apply for an assessment credit. The change in the reporting requirements for fresh onions for peeling, chopping, or slicing, as well as the change to the safeguards for special purpose shipments were requested by industry members and should decrease the overall reporting burden. The benefits of this rule are not expected to be disproportionately greater or lesser for small handlers or producers than for larger entities.

An alternative to these actions would be to have handlers report onion shipments rather than utilizing the information from each handler's inspection certificates. However, most handlers were opposed to this alternative because it would increase their reporting burden.

As with other similar marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Committee has a number of appointed subcommittees to review certain issues and make recommendations to the Committee. The Compliance Subcommittee met on May 16, 2006, and discussed these issues in detail. All interested persons were invited to attend this meeting and participate in the industry's deliberations.

Further, the Committee's meeting on June 15, 2006, was widely publicized throughout the onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the June 15, 2006, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

An interim final rule concerning this action was published in the **Federal Register** on November 7, 2006. Copies of the rule were mailed by the Committee's staff to all Committee members, onion handlers, and interested persons. In addition, the rule was made available through the Internet by USDA and the Office of the **Federal Register**. That rule provided for a 60-day comment period, which ended January 8, 2007. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

**Paperwork Reduction Act**

The interim final rule published on November 7, 2006, provided a 60-day period for comments on the reporting requirements in that rule. No comments were received. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection requirements that are contained in this rule were approved by OMB, under OMB No. 0581–0241, ''Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, M.O. No. 958.''

In summary, this rule continues in effect the actions that established an application procedure for handlers to receive credit for assessments paid on onions that are subsequently regraded, resorted, or repacked within the production area or diverted to exempt special purpose outlets; changed the reporting requirements for fresh onions for peeling, chopping, or slicing; added ''disposal'' as a special purpose shipment; and changed the reporting requirements for special purpose shipments. This rule continues in effect the actions that removed reporting requirements for receivers and streamlined handler reporting requirements. These changes should enhance compliance with the special purpose shipment procedures established under the marketing order and contribute to the efficient operation of the program.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing this interim final rule, without change, as published in the **Federal Register** (71 FR 65037, November 7, 2006) will tend to effectuate the declared policy of the Act.

**List of Subjects in 7 CFR Part 958**

Marketing agreements, Onions, Reporting and recordkeeping requirements.

## PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

■ Accordingly, the interim final rule amending 7 CFR part 958, which was published at 71 FR 65037 on November 7, 2006, is adopted as a final rule without change.

Dated: February 12, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E7–2724 Filed 2–15–07; 8:45 am]

BILLING CODE 3410–02–P

## FEDERAL ELECTION COMMISSION

## 11 CFR Part 111

**[Notice 2007–04]**

## Policy Statement Establishing a Pilot Program for Probable Cause Hearings

**AGENCY:** Federal Election Commission.

**ACTION:** Statement of policy.

**SUMMARY:** The Federal Election Commission (''Commission'') is establishing a pilot program that will allow respondents in enforcement proceedings under the Federal Election Campaign Act, as amended (''FECA''), to have an oral hearing before the Commission. Hearings will take place prior to the Commission's consideration of the General Counsel's recommendation on whether to find probable cause to believe that a violation has occurred. The Commission will grant a request for a probable cause hearing if any two commissioners agree to hold a hearing. The program will provide respondents with the opportunity to present arguments to the Commission directly and give the Commission an opportunity to ask relevant questions. Further information about the procedures for the pilot program is provided in the supplementary information that follows.

**DATES:** *Effective Date:* February 16, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mark D. Shonkwiler, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** The Federal Election Commission is establishing a pilot program to afford respondents in pending enforcement matters the opportunity to participate in hearings (generally through counsel) and present oral arguments directly to

the Commissioners, prior to any Commission determination of whether to find probable cause to believe that respondents violated FECA.[1]

## I. Background

On June 11, 2003, the Commission held a hearing concerning its enforcement procedures. The Commission received comments from those in the regulated community, many of whom argued for increased transparency in Commission procedures and expanded opportunities to contest allegations.[2] In response to issues raised at the hearing, the Commission has made a number of changes, such as allowing Respondents to have access to their deposition transcripts, *See Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations*, 68 FR 50688 (August 22, 2003), and clarifying questions concerning treasurer liability for violations of the FECA, *See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings*, 70 FR 3 (January 3, 2005).

On December 8, 2006, the Commission published a proposal for a pilot program for probable cause hearings, and sought comments from the regulated community. *See Proposed Policy Statement Establishing Pilot Program for Probable Cause Hearings*, 71 FR 71088 (Dec. 8, 2006). The comment period on the proposed policy statement closed on January 5, 2007. The Commission received four comments, all of which endorsed the proposed pilot program for probable cause hearings. These comments are available at *http://www.fec.gov/law/policy.shtml#proposed* under the heading ''Pilot Program for Probable Cause Hearings.''

## II. Procedures for Probable Cause Hearings

### *A. Opportunity To Request a Hearing*

A respondent may request a probable cause hearing when the enforcement process reaches the probable cause determination stage (see 11 CFR 111.16—111.17) and the respondent submits a probable cause response brief to the Office of General Counsel. The General Counsel will attach a cover letter to its probable cause brief to inform the respondent of the opportunity to request an oral hearing before the Commission. *See* 11 CFR 111.16(b). Hearings are voluntary and no adverse inference will be drawn by the Commission based on a respondent's request or waiver of such a hearing. The respondent must include a written request for a hearing as a part of its properly and timely filed reply brief under 11 CFR 111.16(c). Any request for a hearing must state with specificity why the hearing is being requested and what issues the respondent expects to address. Absent good cause, to be determined at the sole discretion of the Commission, late requests will not be accepted. Respondents are responsible for ensuring that their request is timely received. All requests for hearings, scheduling and format inquiries, document submissions, and any other inquiries related to the probable cause hearings should be directed to the Office of General Counsel.

The Commission will grant a request for an oral hearing if any two Commissioners agree that a hearing would help resolve significant or novel legal issues, or significant questions about the application of the law to the facts. The Commission will inform the respondent whether the Commission is granting the respondent's request within 30 days of receiving the respondent's brief. Respondents who submitted their probable cause briefs prior to the effective date of this policy statement may request in writing a probable cause hearing if the Commission has not made its probable cause determination.

Two commenters suggested that the Commission offer oral hearings at other stages of the enforcement process, including prior to a Commission decision to enter into pre-probable cause conciliation. The commenters provided no specific suggestion as to how such hearings at other stages of the enforcement process would benefit the decision-making process. The Commission declines to adopt such an expansion of the pilot program at this time.

### *B. Hearing Procedures*

The purpose of the oral hearing is to provide a respondent an opportunity to present his or her arguments in person to the Commissioners *before* the Commission makes a determination that there is ''probable cause to believe'' that the respondent violated the Act or Commission regulations. Consistent with current Commission regulations, any respondent may be represented by counsel, at the respondent's own expense, or may appear *pro se* at any probable cause hearing. *See* 11 CFR 111.23. Respondents (or their counsel) will have the opportunity to present their arguments, and Commissioners, the General Counsel, and the Staff Director will have the opportunity to pose questions to the respondent, or respondent's counsel, if represented. One commenter suggested that the proposed probable cause hearing procedure be revised to exclude any questioning of respondents or respondents' counsel by the Commission's General Counsel or Staff Director, as this would be a continuation of the completed investigation and would offer little value to the Commission. The Commission rejects this suggestion. The Commission believes that the participation of the General Counsel and Staff Director in the hearings is appropriate and may often prove helpful to the Commission.

Respondents may discuss any issues presented in the enforcement matter, including potential liability and calculation of a civil penalty. Hearings are confidential and not open to the public; generally only respondents and their counsel may attend. Attendance by any other parties must be approved by the Commission in advance.

The Commission will determine the format and time allotted for each hearing at its discretion. Among the factors that the Commission may consider are agency time constraints, the complexity of the issues raised, the number of respondents involved, and Commission interest. The Commission will determine the amount of time allocated for each portion of the hearing, and these time limits may vary from hearing to hearing. The Commission anticipates that most hearings will begin with a brief opening statement by respondent or respondents' counsel, followed by questioning from the Commissioners, General Counsel, and Staff Director. Hearings will normally conclude with the respondent or respondent's counsel's closing remarks.

Third party witnesses or other co-respondents may not be called to testify at a respondent's oral hearing, nor may a respondents' counsel call the respondent to testify. However, the Commission may request that the respondent submit supplementary information or briefing after the probable cause hearing. The Commission discourages voluminous submissions. Supplementary information may not be submitted more than ten days after the oral hearing, unless the Commission's request for information imposes a different, Commission-approved deadline. Materials requested by the Commission, and materials considered by the

[1] The Commission is appending to this statement a general description of its enforcement procedures (''Basic Commission Enforcement Procedure''). These procedures are prescribed by statute and regulation. See 2 U.S.C. 437g; 11 CFR part 111.

[2] The comments from these 2003 proceedings are available online at *http://www.fec.gov/agenda/agendas2003/notice2003–09/comments.shtml.*

Commission in making its ''probable cause to believe'' determination, may be made part of the public record pursuant to the Commission's *Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files,* 68 FR 70426 (Dec. 18, 2003).

The Commission will have transcripts made of the hearings. The transcripts will become a part of the record for the enforcement matter and may be relied upon for determinations made by the Commission. Respondent may be bound by any representations made by respondent or respondents' counsel at a hearing. The Commission will make the transcripts available to the respondent as soon as practicable after the hearing, and the respondent may purchase copies of the transcript. Transcripts will be made public after the matter is closed in accordance with Commission policies on disclosure.[3]

*C. Cases Involving Multiple Respondents*

In cases involving multiple respondents, the Commission will decide on a case-by-case basis whether to structure any hearing(s) separately or as joint hearings for all respondents. Respondents are encouraged to advise the Commission of their preferences. Co-respondents may request joint hearings if each participating co-respondent provides an unconditional waiver of confidentiality with respect to other participating co-respondents and their counsel and a nondisclosure agreement. If separate hearings are held, each respondent will have access to the transcripts from his/her/its own hearing, but not transcripts of other co-respondents' hearings, unless co-respondents specifically provide written consent to the Commission granting access to such transcript(s).

*D. Scheduling of Hearings*

The Commission will seek to hold the hearing in a timely manner after receiving respondents' request for a hearing. The Commission will attempt to schedule the hearings at a mutually acceptable date and time. However, if a respondent is unable to accommodate the Commission's schedule, the Commission may decline to hold a hearing. The Commission reserves the right to reschedule any hearing. Where necessary, the Commission reserves the right to request from a respondent an agreement tolling any upcoming deadline, including any statutory deadline or other deadline found in 11 CFR part 111.

*E. Pilot Program*

The pilot program will last eight months from the time that this policy is approved. After eight months, a vote will be scheduled on whether the program should continue. The program will remain in effect until that vote is taken. Four affirmative votes will be required to extend or make permanent the program. The program will be terminated after that vote if there are not four affirmative votes to make the program permanent or to extend it for some time period. The Commission may terminate or modify this pilot program through additional policy statements prior to the eighth month of the pilot program by an affirmative vote of four of its members. If the pilot program is terminated, previously requested hearings may still be held.

*F. Conclusion*

The Commission urges respondents to consider carefully the costs and benefits of proceeding to probable cause briefings and/or hearings. The hearings are optional and no negative inference will be drawn if respondents do not request a hearing. Currently, the majority of the Commission's cases are settled through pre-probable cause conciliation. Proceeding to probable cause briefing requires a substantial investment of the Commission's limited resources. Consistent with the goal of expeditious resolution of enforcement matters, the Commission encourages pre-probable cause conciliation. The Commission has a practice in many cases of reducing the civil penalty it seeks through its opening settlement offer in pre-probable cause conciliation. However, once pre-probable cause conciliation has been terminated, this reduction (normally 25%) is no longer available and the civil penalty will generally increase.

This notice represents a general statement of policy announcing the general course of action that the Commission intends to follow. This policy statement does not constitute an agency regulation requiring notice of proposed rulemaking, opportunities for public participation, prior publication, and delay in effective date under 5 U.S.C. 553 of the Administrative Procedures Act (''APA''). As such, it does not bind the Commission or any member of the general public. The provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), which apply when notice and comment are required by the APA or another statute, are not applicable.

Dated: February 12, 2007.

**Robert D. Lenhard,**

*Chairman, Federal Election Commission.*

## Appendix

**Basic Commission Enforcement Procedure**

The Commission's enforcement procedures are set forth at 11 CFR part 111. An enforcement matter may be initiated by a complaint or on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. 11 CFR 111.3. If a complaint substantially complies with certain requirements set forth in 11 CFR 111.4, within five days of receipt the Office of General Counsel notifies each party determined to be a respondent that a complaint has been filed, provides a copy of the complaint, and advises each respondent of Commission compliance procedures. 11 CFR 111.5. A respondent then has 15 days from receipt of the notification from the Office of General Counsel to submit a letter or memorandum to the Commission setting forth reasons why the Commission should take no action on the basis of the complaint. 11 CFR 111.6.

Following receipt of such letter or memorandum, or expiration of the 15-day period, the Office of General Counsel may recommend to the Commission whether or not it should find ''reason to believe'' that a respondent has committed or is about to commit a violation of the Act or Commission regulations. 11 CFR 111.7(a).[4] With respect to internally-generated matters (e.g., referrals from the Commission's Audit or Reports Analysis Divisions), the Office of General Counsel may recommend that the Commission find ''reason to believe'' that a respondent has committed or is about to commit a violation of the Act or Commission regulations on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, or on the basis of a referral from an agency of the United States or any state. If the Commission determines by an affirmative vote of four members that it has ''reason to believe'' that a respondent violated the Act or Commission regulations, the respondent must be notified by letter of the Commission's finding(s). 11 CFR 111.9(a).[5] The Office of General Counsel will also provide the respondent with a Factual and Legal Analysis, which will set forth the bases for the Commission's finding of reason to believe.

After the Commission makes a ''reason to believe'' finding, an investigation is conducted by the Office of General Counsel, in which the Commission may undertake field investigations, audits, and other methods of information-gathering. 11 CFR

[3] The Commission's *Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files,* 68 FR 70426 (Dec. 18, 2003) is hereby amended to include disclosure of transcripts from probable cause hearings.

[4] The Office of General Counsel may also recommend that the Commission find no ''reason to believe'' that a violation has been committed to is about to be committed, or that the Commission otherwise dismiss a complaint without regard to the provisions of 11 CFR 111.6(a). 11 CFR 111.7(b).

[5] If the Commission finds no ''reason to believe,'' or otherwise terminates its proceedings, the Office of General Counsel shall advise the complainant and respondent(s) by letter. 11 CFR 111.9(b).

111.10. Additionally, the Commission may issue subpoenas to order any person to submit sworn written answers to written questions, to provide documents, or to appear for a deposition. 11 CFR 111.11–111.12. Any person who is subpoenaed may submit a motion to the Commission for it to be quashed or modified. 11 CFR 111.15.

Following a ''reason to believe'' finding, the Commission may attempt to reach a conciliation agreement with the respondent(s) prior to reaching the ''probable cause'' stage of enforcement (*i.e.*, a pre-probable cause conciliation agreement). See 11 CFR 111.18(d). If the Commission is unable to reach a pre-probable cause conciliation agreement with the respondent, or determines that such a conciliation agreement would not be appropriate, upon completion of the investigation referenced in the preceding paragraph, the Office of General Counsel prepares a brief setting forth its position on the factual and legal issues of the matter and containing a recommendation on whether or not the Commission should find ''probable cause to believe'' that a violation has occurred or is about to occur. 11 CFR 111.16(a).

The Office of General Counsel notifies the respondent(s) of this recommendation and provides a copy of the probable cause brief. 11 CFR 111.16(b). The respondent(s) may file a written response to the probable cause brief within fifteen days of receiving said brief. 11 CFR 111.16(c). After reviewing this response, the Office of General Counsel shall advise the Commission in writing whether it intends to proceed with the recommendation or to withdraw the recommendation from Commission consideration. 11 CFR 111.16(d).

If the Commission determines by an affirmative vote of four members that there is ''probable cause to believe'' that a respondent has violated the Act or Commission regulations, the Commission authorizes the Office of General Counsel to notify the respondent by letter of this determination. 11 CFR 111.17(a). Upon a Commission finding of ''probable cause to believe,'' the Commission must attempt to reach a conciliation agreement with the respondent. 11 CFR 111.18(a). If no conciliation agreement is finalized within the time period specified in 11 CFR 111.18(c), the Office of General Counsel may recommend to the Commission that it authorize a civil action for relief in the appropriate court. 11 CFR 111.19(a). Commencement of such civil action requires an affirmative vote of four members of the Commission. 11 CFR 111.19(b). The Commission may enter into a conciliation agreement with respondent after authorizing a civil action. 11 CFR 111.19(c).

[FR Doc. E7–2723 Filed 2–15–07; 8:45 am]

**BILLING CODE 6715–01–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–24036; Directorate Identifier 2006–NE–04–AD; Amendment 39–14947; AD 2007–04–15]**

**RIN 2120–AA64**

## Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Sicma Aero Seat, passenger seat assemblies. This AD requires modifying the aft track fittings on these passenger seat assemblies by installing new tab locks, and then torquing the aft track fitting locking bolts. We are issuing this AD to prevent detachment of passenger seat assemblies, especially during emergency conditions, leading to occupant injury.

**DATES:** This AD becomes effective March 23, 2007. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 23, 2007.

**ADDRESSES:** You can get the service information identified in this AD from Sicma Aero Seat, 7 Rue Lucien Coupet, 36100 Issoudun, France, *telephone:* (33) 54 03 39 39; *fax:* (33) 54 03 15 16.

You may examine the AD docket on the Internet at *http://dms.dot.gov* or in Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803; *telephone* (781) 238–7161; *fax* (781) 238–7170; *e-mail: Jeffrey.lee@faa.gov.*

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to certain Sicma Aero Seat, passenger seat assemblies. We published the proposed AD in the **Federal Register** on March 17, 2006 (71 FR 13787). That action proposed to require modifying the aft track fittings on these passenger seat assemblies by installing new tab locks, and then torquing the aft track fitting locking bolts.

### Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

### Comments

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

### Request To Add Airbus A340 Series Airplanes

One commenter, Airbus, requests that we add the Airbus A340 series airplanes to the list of airplanes these seats could be installed on. We agree and added the A340 series airplanes to the list in applicability paragraph (c). There are no U.S.-registered A340 series airplanes, so the costs of compliance do not change in the AD.

### Add Reference to An Alternative Method of Compliance (AMOC)

Airbus requests that we take into account and add a reference to the AMOC of Sicma Aero Seat Service Bulletin No. SB–90–25–009, as allowed by France AD 1994–085 R2. We do not agree. Allowing this AMOC would require operators to obtain and use procedures supplied by the manufacturer. Our AD process already provides a method for operators to request an AMOC, if they so desire. We did not change the AD.

### Correction to Annex 1 Reference

We discovered that we inadvertently referenced Sicma Aero Seat Service Bulletin Annex 1 as Issue 2, dated March 31, 1999. We corrected it to Annex 1, Issue 1, dated March 31, 1999.

### Conclusion

We have carefully reviewed the available data, including the comments 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

We estimate that this AD will affect 239,209 Sicma Aero Seat, passenger seat assemblies, installed on 1,016 airplanes of U.S. registry. We also estimate that it will take about 4 work-hours per airplane to perform the actions, and that the average labor rate is $80 per work-hour. Required parts will cost about $235 per airplane. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $563,880. The manufacturer has indicated they might provide the parts at no cost to the operators.

### 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

### 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 Federal Aviation Administration 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 FAA amends § 39.13 by adding the following new airworthiness directive:

**2007–04–15 Sicma Aero Seat:** Amendment 39–14947. Docket No. FAA–2006–24036; Directorate Identifier 2006–NE–04–AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective March 23, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Sicma Aero Seat, passenger seat assemblies, part numbers (P/Ns) 42XX series, 50XX series, 63XX series, 65XX series, 71XX series, 78XX series, 83XX series, 85XX series, 90XX series, 91XX series, and 92XX series, with aft track fittings, P/N 90–000120–790–0, installed. Refer to Annex 1, Issue 1, dated March 31, 1999, of Sicma Aero Seat Service Bulletin No. 90–25–005, Issue 2, dated March 31, 1999, for the full part numbers. These seat assemblies are installed on, but not limited to, Airbus A300, A310, A318, A319, A320, A321, A330, and A340 series airplanes.

**Unsafe Condition**

(d) This AD results from reports of loose and unlocked aft track fittings on Sicma Aero Seat, passenger seat assemblies. We are issuing this AD to prevent detachment of passenger seat assemblies, especially during emergency conditions, leading to occupant injury.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within 600 flight hours after the effective date of this AD, unless the actions have already been done.

**Aft Track Fitting Modification**

(f) Modify aft track fittings, P/N 90–000120–790–0, by installing new tab locks, P/N 00–4399, under the locking bolts.

(g) Torque locking bolts to 17.4-to-34.7 inch pounds.

(h) Stamp amendment ''Z'' on the seat assembly identification plate.

(i) Use the Accomplishment Instructions of Sicma Aero Seat Service Bulletin No. 90–25–005, Issue 2, dated March 31, 1999, to do these actions.

**Alternative Methods of Compliance**

(j) The Manager, Boston Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

**Related Information**

(k) Direction Generale de L'Aviation Civile, AD 1994–085(AB) R2, dated July 13, 1999, also addresses the subject of this AD.

(l) Contact Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7161; fax (781) 238–7170; *e-mail: Jeffrey.lee@faa.gov* for more information about this AD.

**Material Incorporated by Reference**

(m) You must use Sicma Aero Seat Service Bulletin No. 90–25–005, Issue 2, dated March 31, 1999, and Annex 1, Issue 1, dated March 31, 1999, of that service bulletin to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of this service information in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Sicma Aero Seat, 7 Rue Lucien Coupet, 36100 Issoudun, France, telephone: (33) 54 03 39 39; fax: (33) 54 03 15 16, for a copy of this service information. You may review copies at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on February 8, 2007.

**Peter A. White,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E7–2506 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–25926; Directorate Identifier 2000–CE–17–AD; Amendment 39–14946; AD 2003–17–05R1]**

**RIN 2120–AA64**

## Airworthiness Directives; Short Brothers & Harland Ltd. Models SC–7 Series 2 and SC–7 Series 3 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) to revise

AD 2003–17–05, which applies to Short Brothers & Harland (Shorts) Models SC–7 Series 2 and SC–7 Series 3 airplanes. AD 2003–17–05 currently establishes a technical service life for these airplanes and allows you to incorporate modifications, inspections, and replacements of certain life limited items to extend the life limits of these airplanes. Since we issued AD 2003–17–05, Shorts Service Bulletin SB 51–51 was revised to Revision 8, dated July 5, 2006, and the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, issued an AD for the European Community to correct an unsafe condition for the specified product. AD 2003–17–05 contains conflicting information on the repetitive visual inspection requirement. Consequently, this AD would retain the technical service life for these airplanes; would continue to allow modifications, inspections, and replacements of certain life limited items to extend the life limits of these airplanes; and would clarify the repetitive visual inspection requirement between one of the service bulletins and the maintenance program if an operator chooses to extend the life limit. The actions specified by this AD are intended to clarify the inspection information to prevent failure of critical structure of the aircraft caused by fatigue.

**DATES:** This AD becomes effective on March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of Shorts Service Bulletin Number 51–51, Revision No: 8, dated July 5, 2006; listed in this AD as of March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of Shorts Service Bulletin No. 51–51, Revision No.: 6, dated: March 14, 1983; and Shorts Service Bulletin No. 51–52, Revision No.: 4, dated: July 16, 2002, listed in this AD as of September 29, 2003 (68 FR 50689, August 22, 2003).

**ADDRESSES:** For service information identified in this AD, contact Short Brothers PLC, P.O. Box 241, Airport Road, Belfast BT3 9DZ Northern Ireland; *telephone:* 011 44 (0) 28 9045 8444; *facsimile:* 011 44 (0) 28 9073 3396.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2006–25926; Directorate Identifier 2000–CE–17–AD.

**FOR FURTHER INFORMATION CONTACT:** Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4059; *facsimile:* (816) 329–4090.

**SUPPLEMENTARY INFORMATION:**

## Discussion

On November 20, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Shorts Models SC–7 Series 2 and SC–7 Series 3 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 28, 2006 (71 FR 68766). The NPRM proposed to revise AD 2003–17–05 to retain the technical service life for these airplanes; continue to allow modifications, inspections, and replacements of certain life limited items to extend the life limits of these airplanes; and clarify the repetitive visual inspection requirement between one of the service bulletins and the maintenance program if an operator chooses to extend the life limit.

## Comments

We provided the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and FAA's response to each comment:

### Comment Issue No. 1: Proposed Revision or Supersedure of EASA AD 2006–0190

Shorts provides comments pertaining to their proposal to EASA to revise or supersede EASA AD 2006–0190. Shorts recommends that the FAA consider postponing any revision to AD 2003–17–05 until EASA revises or supersedes EASA AD 2006–0190.

For clarification reasons, this is a revision to AD 2003–17–05. However, EASA superseded EASA AD 2006–0190 with EASA AD 2007–0013, *dated:* January 11, 2007, which was after the closing of the comment period of this NPRM. The FAA has evaluated the new EASA AD and has determined that this revised FAA AD incorporates the intent of the EASA AD without any changes needed. Please note that the EASA AD does not address the six airplanes that are covered by Shorts Service Bulletin No. 51–52, Revision No.: 4, dated: July 16, 2002 as this AD does. We are not changing the final rule AD action as a result of this comment.

### Comment Issue No. 2: Life Limits of the Model SC–7 Series 3 Airplane, Serial Number (S/N) SH1845

Shorts provides comments that it would be prudent to include the increase of the life limits of the Model SC–7 Series 3 airplane, S/N SH1845, that result from an approved alternative method of compliance (AMOC).

The increase of the life limits for the Model SC–7 Series 3 airplane, S/N SH1845, was approved as part of an AMOC. The life limit originally published in the AD remains valid. It is the AMOC that extends it. Any FAA-approved AMOC will include actions necessary to address the unsafe condition in an acceptable manner to deviate from the AD. The AD remains in effect if the AMOC is not complied with. For this reason, it would not be appropriate to change the AD to incorporate an AMOC. This AD maintains the effectivity of all AMOCs.

We are not changing the final rule AD action as a result of this comment.

## Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

## Costs of Compliance

We estimate that this AD would affect 22 airplanes in the U.S. registry.

Since the action of the AD is life-limiting the structural airframe, the actual operating cost of this AD is the cost of the airplane minus any non-life-limited parts that are salvageable and can be sold. There is no cost impact difference in this AD than that originally presented in AD 2003–17–05, except for the recalculation of the labor costs using the revised figure of $80 per hour instead of $65 per hour.

The following paragraphs present the costs if you choose to incorporate the inspections and modifications necessary to extend the life limit.

We estimate the following costs to do the optional aircraft life extension on 16 airplanes (all airplanes that do not have serial number SH1889, SH1943, SH1960, SH1845, SH1847, or SH1883) as prescribed in Shorts Service Bulletin No. 51–51:

| Labor cost | Parts cost | Total cost per airplane | Total cost on U.S. operators |
|---|---|---|---|
| 350 work-hours × $80 per hour = $28,000 | $90,000 | $118,000 | $1,888,000 |

We estimate the following to do the aircraft life extension prescribed in Shorts Service Bulletin No. 51–52 (which includes Service Bulletin 51–51) for serial numbers SH1889, SH1943, and SH1960:

| Labor cost | Parts cost | Total cost per airplane | Total cost on U.S. operators |
|---|---|---|---|
| 470 work-hours × $80 per hour = $37,600 | $112,000 | $149,600 | $448,800 |

We estimate the following to do the aircraft life extension prescribed in Shorts Service Bulletin No. 51–52 for serial numbers SH1845, SH1847, and SH1883:

| Labor cost | Parts cost | Total cost per airplane | Total cost on U.S. operators |
|---|---|---|---|
| 120 work-hours × $80 per hour = $9,600 | $22,000 | $31,600 | $94,800 |

## 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 AD.

## 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 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 summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2006–25926; Directorate Identifier 2000-CE–17-AD'' in your request.

## 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 Federal Aviation Administration amends 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. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2003–17–05, Amendment 39–13279 (68 FR 50689, August 22, 2003), and adding the following new AD:

**2003–17–05R1 Short Brothers & Harland Ltd.:** Amendment 39–14946; Docket No. FAA–2006–25926; Directorate Identifier 2000–CE–17–AD.

**Effective Date**

(a) This AD becomes effective on March 23, 2007.

**Affected ADs**

(b) This AD revises AD 2003–17–05, Amendment 39–13279.

**Applicability**

(c) This AD applies to Models SC–7 Series 2 and SC–7 Series 3 airplanes, all serial numbers, that are certificated in any category.

**Unsafe Condition**

(d) This revised AD results from conflicting information of the repetitive inspection requirement between one of the service bulletins and the maintenance program if an operator chooses to extend the life limit. We are issuing this AD to clarify the inspection information to prevent failure of critical structure of the aircraft caused by fatigue.

**Compliance**

(e) Do not operate the airplane upon accumulating the applicable life limit or within the next 90 days after September 29, 2003 (the effective date of AD 2003–17–05), whichever occurs later. For owners/operators that do not have a record of the number of flights on the aircraft, assume the number of flights on the basis of two per operating hour. The following table presents the life limits:

TABLE 1.—ORIGINAL LIFE LIMITS

| Serial No. | Life limit |
|---|---|
| (1) SH1845 and SH1883 | 10,000 hours time-in-service (TIS). |
| (2) SH1847 | 15,200 hours TIS. |
| (3) SH1889 | 13,805 flights. |
| (4) SH1943 | 11,306 flights. |
| (5) SH1960 | 4,142 flights. |
| (6) All airplanes that do not have serial number SH1845, SH1883, SH1847, SH1889, SH1943, or SH1960. | 20,000 flights. |

(f) *For airplanes with serial numbers SH1845, SH1847, or SH1883:* You can extend the life limits by doing the actions of Shorts Service Bulletin No. 51–52, Revision No.: 4, dated: July 16, 2002 (and all service information or modifications referenced in the Planning Information section of the service bulletin), and Shorts Skyvan Maintenance Program, Amendment List No. 22, dated May 7, 2003, or Amendment List No. 23, dated December 14, 2004, or Amendment List No. 24, dated November 2, 2006. You may use any future amendment to this maintenance program if it does not change the inspection intervals, requirements, or the life limits of this AD or the previous amendments. The following table presents the extended life limit:

TABLE 2.—EXTENDED LIFE LIMITS AFTER INCORPORATION OF REQUIRED INSPECTIONS AND MODIFICATIONS

| | |
|---|---|
| (1) SH1845 | 13,456 hours TIS. |
| (2) SH1847 | 20,200 hours TIS. |
| (3) SH1883 | 15,000 hours TIS. |

(g) *For airplanes with serial numbers SH1889, SH1943, or SH1960:* You can extend the life limits by doing the actions of Shorts Service Bulletin No. 51–52, Revision No.: 4, dated: July 16, 2002 (and all service information or modifications referenced in the Planning Information section of the service bulletin including Shorts Service Bulletin No. 51–51, Revision No.: 6, dated: March 14, 1983; or Shorts Service Bulletin No. 51–51, Revision No.: 8, dated: July 5, 2006. You cannot use Shorts Service Bulletin No. 51–51, Revision No.: 7, dated: January 2005.), and Shorts Skyvan Maintenance Program, Amendment List No. 22, dated May 7, 2003, or Amendment List No. 23, dated December 14, 2004, or Amendment List No. 24, dated November 2, 2006. You may use any future amendment to this maintenance program if it does not change the inspection intervals, requirements, or the life limits of this AD or the previous amendments. The following table presents the extended life limit:

TABLE 3.—EXTENDED LIFE LIMITS AFTER INCORPORATION OF REQUIRED INSPECTIONS AND MODIFICATIONS

| Serial No. | Extended life limit |
|---|---|
| (1) SH1889 | 20,094 flights. |
| (2) SH1943 | 17,325 flights. |
| (3) SH1960 | 8,449 flights. |

(h) *For airplanes that do not have serial numbers SH1845, SH1847, SH1883, SH1889, SH1943, or SH1960:* You can extend the life limit to 27,000 flights by doing the actions of Shorts Service Bulletin No. 51–51, Revision No.: 6, dated: March 14, 1983; or Shorts Service Bulletin No. 51–51, Revision No.: 8, dated: July 5, 2006; and Shorts Skyvan Maintenance Program, Amendment List No. 22, dated May 7, 2003; or Amendment List No. 23, dated December 14, 2004 or Amendment List No. 24, dated November 2, 2006. You may use any future amendment to this maintenance program if it does not change the inspection intervals, requirements, or the life limits of this AD or the previous amendments. You cannot use Shorts Service Bulletin No. 51–51, Revision No.: 7, dated: January 2005.

(i) The repetitive visual inspection requirements using Shorts Service Bulletin No. 57–59, which is referenced on page 3 of Shorts Service Bulletin No. 51–51, Revision No.: 6, dated: March 14, 1983, paragraph C (Special limitations) are every 2,400 flights; and the repetitive visual inspection program in Skyvan Maintenance Program, Maintenance Program Appendix 1, parts A and B (Section 57–00, Item 3) are every 1,100 flights or 800 hours TIS intervals, whichever occurs first. You must use the repetitive inspection intervals of the Skyvan Maintenance Program for the repetitive inspection of the wing structure, skin, and skin doublers to be every 1,100 flights or 800 hours TIS, whichever occurs first and not the 2,400 flights as stated in Shorts Service Bulletin No. 51–51, Revision No.: 6, dated: March 14, 1983.

**Alternative Methods of Compliance (AMOCs)**

(j) The Manager, Standards Office, Small Airplane Directorate, FAA, *ATTN:* Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4059; *facsimile:* (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(k) AMOCs approved for AD 2003–17–05 are approved for this AD.

**Material Incorporated by Reference**

(l) You must use Shorts Service Bulletin Number 51–52, Revision No: 4, dated July 16, 2002; or Shorts Service Bulletin Number 51–51, Revision No: 6, dated March 14, 1983; or Shorts Service Bulletin Number 51–51, Revision No: 8, dated July 5, 2006, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Shorts Service Bulletin Number 51–51, Revision No: 8, dated July 5, 2006, under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The Director of the Federal Register previously approved the incorporation by reference of Shorts Service Bulletin No. 51–51, Revision No.: 6, dated: March 14, 1983; and Shorts Service Bulletin No. 51–52, Revision No.: 4, dated: July 16, 2002, on September 29, 2003 (68 FR 50689, August 22, 2003).

(3) For service information identified in this AD, contact Short Brothers PLC, P.O. Box 241, Airport Road, Belfast BT3 9DZ Northern Ireland; *telephone:* 011 44 (0) 28 9045 8444; *facsimile:* 011 44 (0) 28 9073 3396.

(4) You may review copies at the FAA, FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Kansas City, Missouri, on February 8, 2007.

**Kim Smith,**

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

[FR Doc. E7–2505 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2006–25637; Directorate Identifier 2006–CE–43–AD; Amendment 39–14939; AD 2007–04–08]**

**RIN 2120–AA64**

## Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for certain EADS SOCATA airplanes. This AD requires you to inspect the pilot door locking stop-fittings for correct length and, if any incorrect length pilot door locking stop-fittings are found, replace them. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. We are issuing this AD to detect and replace incorrect length pilot door locking stop-fittings. This condition, if not corrected, could result in depressurization of the airplane.

**DATES:** This AD becomes effective on March 23, 2007.

As of March 23, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

**ADDRESSES:** To get the service information identified in this AD, contact EADS SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; *telephone:* 33 (0)5 62 41 73 00; *fax:* 33 (0)5 62 41 76 54; or SOCATA AIRCRAFT, INC., North Perry Airport, 7501 South Airport Rd., Pembroke Pines, FL 33023; *telephone:* (954) 893–1400; *fax:* (954) 964–4141.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2006–25637; Directorate Identifier 2006–CE–43–AD.

**FOR FURTHER INFORMATION CONTACT:** Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4119; *fax:* (816) 329–4090.

**SUPPLEMENTARY INFORMATION:**

### Discussion

On September 20, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain EADS SOCATA Model TBM 700 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 27, 2006 (71 FR 56414). The NPRM proposed to require you to inspect the pilot door locking stop fittings for correct length and, if any incorrect length pilot door locking stop fittings are found, replace them.

### Comments

We provided the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and FAA's response to each comment:

### Comment Issue No 1: Applicability

EADS SOCATA comments that EADS SOCATA Service Bulletin SB 70–131, ATA No. 53, dated July 2005, only applies to TBM 700 aircraft that are equipped with a pilot door. As such, this AD should only apply to TBM 700 aircraft that are equipped with a pilot door.

We agree and have changed the applicability statement so that it applies to Model TBM 700 airplanes, serial numbers 126 through 322, equipped with a pilot door, that are certificated in any category.

### Comment Issue No 2: Material Incorporated by Reference

Jack Buster of the Modification and Replacement Parts Association (MARPA) requests that service documents deemed essential to the accomplishment of this proposed action be incorporated by reference and published in the Docket Management System (DMS).

We agree that the service documents are essential and should be incorporated by reference. However, we do not incorporate by reference any document in a proposed AD action; instead we incorporate by reference the document in the final rule. Since we are issuing the proposal as a final rule AD action, the service information referenced in this action will be incorporated by reference.

We are currently reviewing issues surrounding the posting of service bulletins in the Department of Transportation's DMS as part of the AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised.

We have determined that to delay this AD action would be inappropriate since an unsafe condition exists. Therefore, we have made no change to the AD in this regard.

### Comment Issue No 3: Parts Manufacturer Approval (PMA)

Mr. Buster also requests that the issue of parts manufacturer approval (PMA) be addressed in the proposed action and that all Directorates within the FAA treat the issue the same per Section 1, paragraph (b)(10) of Executive Order 12866.

Mr. Buster's comments are timely in that the FAA is currently reviewing this issue as it applies to all products: transport airplanes, commuter airplanes, general aviation airplanes, engines and propellers, rotorcraft, and appliances. The FAA acknowledges that there are different ways of addressing this issue to ensure that unsafe PMA parts are identified and addressed. Once we have thoroughly examined all aspects of this issue, including input from industry, and have made a final determination, we will consider developing a standardized approach and standardized language on how to address PMA parts in airworthiness directives.

We have determined that to delay this AD action would be inappropriate since an unsafe condition exists and that replacement of certain parts must be done to ensure continued safety. Therefore, we have made no change to the AD in this regard.

### Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

### Costs of Compliance

We estimate that this AD affects 157 airplanes in the U.S. registry.

We estimate the following costs to accomplish the inspection and repair:

| Labor cost | Parts cost | Total cost per airplane | Total cost on U.S. operators |
|---|---|---|---|
| 4.5 work-hours × $80 per hour = $360 | $15 | $375 | $58,875 |

## 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 AD.

## 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 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 summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2006–25637; Directorate Identifier 2006–CE–43–AD'' in your request.

## 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 Federal Aviation Administration amends 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. FAA amends § 39.13 by adding a new AD to read as follows:

**2007–04–08 EADS SOCATA:** Amendment 39–14939; Docket No. FAA–2006–25637; Directorate Identifier 2006–CE–43–AD.

**Effective Date**

(a) This AD becomes effective on March 23, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Model TBM 700 airplanes, serial numbers 126 through 322, equipped with a pilot door, that are certificated in any category.

**Unsafe Condition**

(d) This AD results from a pilot door adjustment procedure not being done properly. We are issuing this AD to detect and correct incorrect length pilot door locking stop-fittings. This condition, if not corrected, could result in depressurization of the airplane.

**Compliance**

(e) *To address this problem, you must do the following:*

| Actions | Compliance | Procedures |
|---|---|---|
| (1) Inspect the pilot door locking stop-fittings for correct length. | Within 30 days after March 23, 2007 (the effective date of this AD), unless already done. | Follow EADS SOCATA Service Bulletin SB 70–131, ATA No. 53, dated July 2005. |
| (2) If any incorrect length pilot door locking stop-fittings are found, replace them. | Before further flight after the inspection required by paragraph (e)(1) of this AD. | Follow EADS SOCATA Service Bulletin SB 70–131, ATA No. 53, dated July 2005. |

(f) If you have ordered parts and they are not available, then you may fly unpressurized until parts become available or for a period not to exceed 90 days after the inspection required in paragraph (e)(1) of this AD, whichever occurs first. You must also fabricate and install a placard as described below. Completing the action of paragraph (e)(2) of this AD terminates the placard requirement.

(1) Fabricate (using letters at least 1/8 inch in height) a warning placard which states ''This airplane is prohibited from pressurized flight.''

(2) Install the placard in full view of the pilot. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may install the placard as required in paragraph (f) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(g) The Manager, Standards Office, Small Airplane Directorate, FAA, ATTN: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4119; *fax:* (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

**Material Incorporated by Reference**

(h) You must use EADS SOCATA Service Bulletin SB 70–131, ATA No. 53, dated July 2005 to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact EADS SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; *telephone:* 33 (0)5 62 41 73 00; *fax:* 33 (0)5 62 41 76 54; or SOCATA AIRCRAFT, INC., North Perry Airport, 7501 South Airport Rd., Pembroke Pines, FL 33023; *telephone:* (954) 893–1400; *fax:* (954) 964–4141.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106; or at the National Archives and

Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Kansas City, Missouri, on February 6, 2007.

**Kim Smith,**

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

[FR Doc. E7–2507 Filed 2–15–07; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–25892; Directorate Identifier 2006–NM–120–AD; Amendment 39–14941; AD 2007–04–09]**

**RIN 2120–AA64**

## Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all EMBRAER airplanes as described previously. This AD requires inspecting to determine the part number of the left- and right-hand windshield temperature controllers. For airplanes equipped with certain windshield temperature controllers, this AD also requires replacing the attaching hardware of the power cable terminals of the windshield temperature controllers with new, improved attaching hardware; inspecting the power cable terminals for signs of melting or damage to the terminals, cable insulation, or plastic crimping ring; and performing corrective actions if necessary. This AD results from reports of smoke on the flight deck caused by damage from poor electrical contact due to loosening of the attaching hardware of the power cables of certain windshield temperature controllers. We are issuing this AD to prevent overheating of the power cable terminals of the windshield temperature controllers, which could result in smoke on the flight deck.

**DATES:** This AD becomes effective March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 23, 2007.

**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.

Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

**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 would apply to all EMBRAER Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. That NPRM was published in the **Federal Register** on September 26, 2006 (71 FR 56056). That NPRM proposed to require inspecting to determine the part number of the left- and right-hand windshield temperature controllers. For airplanes equipped with certain windshield temperature controllers, that NPRM also proposed to require replacing the attaching hardware of the power cable terminals of the windshield temperature controllers with new, improved attaching hardware; inspecting the power cable terminals for signs of melting or damage to the terminals, cable insulation, or plastic crimping ring; and performing corrective actions if necessary.

### Comments

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

### Request To Revise Consequence of Unsafe Condition

EMBRAER requests that we revise the possible consequence of the unsafe condition. EMBRAER states that it has confirmed that the unsafe condition is the result of overheating of the power cables of the windshield temperature controller due to loosening of the power cable attachment hardware, and that tests have shown that this condition may cause smoke on the flight deck, but not fire. EMBRAER therefore requests that we revise the statement ''which could result in smoke and fire on the flight deck'' to read ''which could result in smoke on the flight deck.''

We agree for the reasons stated and have revised the summary and paragraph (d) of the AD accordingly.

### Request To Permit Records Check

EMBRAER requests that we revise the NPRM to permit a maintenance records check to determine if the subject windshield temperature controller is installed on the airplane. EMBRAER states that it should be acceptable to show that the subject controller is or is not installed on the airplane by examining the airplane maintenance records rather than by requiring a physical inspection of the actual installed part.

We agree for the reasons given. Therefore, we have revised paragraph (f) of the AD to permit a maintenance records check in lieu of the required inspection, provided the part number of the subject controller can be conclusively determined from that review.

### Request for Publication of Service Information

One commenter, the Modification and Replacement Parts Association (MARPA), requests that we revise our procedures for incorporation by reference (IBR) of service information in ADs. MARPA asserts that ADs are frequently derived from privately-authored, copyright-protected manufacturer service documents, but that when such a document is incorporated by reference into a public document like an AD, it loses its private, protected status and becomes itself a public document. MARPA continues that public laws by definition must be public and cannot rely for compliance upon private writings, and that unless such writings are incorporated by reference, a court of law will not consider them in interpreting the AD and might invalidate the AD.

MARPA contends that IBR service documents should be published in the Docket Management System (DMS), keyed to the action that incorporates them. IBR was adopted to relieve the **Federal Register** from publishing documents already held by affected individuals, which traditionally meant aircraft owners and operators who received service information from manufacturers. However, MARPA contends that a new affected class of maintenance and repair organizations (MRO), component service and repair shops, parts purveyors and distributors, and organizations that manufacture or service alternatively certified parts under 14 CFR 21.303 (PMA) now perform a majority of aircraft maintenance. MARPA continues that service information distributed to owners and operators who are financing or leasing institutions may not reach this class, who may actually be responsible for accomplishing ADs. MARPA therefore requests that service documents deemed essential to accomplishing this proposed action be (1) incorporated by reference into the regulatory instrument, and (2) published in the DMS.

We understand MARPA's comment concerning IBR. The Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the documents necessary for accomplishing the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

In regard to MARPA's request to post service bulletins on the Department of Transportation's DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the final rule is necessary in response to this comment.

**Request for Policy Changes and Clarification**

MARPA also expresses concern about several perceived inconsistencies in current FAA policy as regards parts manufacturing approval (PMA) parts. MARPA states: ''Type certificate holders in their service documents universally ignore the possible existence of PMA parts. This is especially true with foreign manufacturers where the concept may not exist or be implemented in the country of origin. In the instant case we are aware of a Rosemount Aerospace temperature controller that carries the part number (P/N) of 3801D2 approved for replacement of Embraer P/N: 145–38558–505 (Rosemount PMA supplement number 191, dated September 5, 2002). We do not have sufficient knowledge to determine whether the Rosemount part suffers from the same deficiencies as the Goodyear part. We are concerned that it may and because the proposed action restricts applicability to the Goodyear part the possibly defective Rosemount parts may continue in operation. We believe, at the very least, the Rosemount part should be addressed in the action to advise whether the regulatory action is intended to apply or not apply to this particular part.''

We do not agree. EMBRAER P/N 145–38558–505 is not a replaceable part; it is a drawing used by EMBRAER to install the Goodrich (Rosemount) controller, P/N 3801D2, during production. As the NPRM does not address deficiencies in the subject controller, but only the installation of the controller power cable mounting hardware, replacing the subject controller is not an issue of this AD.

MARPA continues: ''We have, in the past, issued several comments on proposed actions suggesting the incorporation of language designed to extend applicability to known or unknown alternatively approved (PMA) parts. The Small Airplane Directorate has adopted, in whole or in part, MARPA's suggestion and we would recommend and request that the Transport Airplane Directorate coordinate with the Small Airplane Directorate to promulgate a uniform policy on this issue pursuant to Section 1, paragraph (b)(10) of Executive Order 12866.''

The FAA recognizes the need for standardization on this issue and is currently in the process of reviewing it at the national level. However, the Transport Airplane Directorate considers that to delay this particular AD action for resolution of this matter would be inappropriate, since we have determined that an unsafe condition exists and that replacement of certain parts must be accomplished to ensure continued safety.

No change has been made to the final rule in regard to these concerns.

**Conclusion**

We have carefully reviewed the available data, including the comments 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**

This AD affects about 689 airplanes of U.S. registry. The required actions take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Required parts will be supplied from operator stock. Based on these figures, the estimated cost of the AD for U.S. operators is $55,120, or $80 per airplane.

**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 adding the following new airworthiness directive (AD):

**2007–04–09 Empresa Brasileira De Aeronautica S.A. (Embraer):** Amendment 39–14941. FAA–2006–25892; Directorate Identifier 2006–NM–120–AD.

**Effective Date**

(a) This AD becomes effective March 23, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all EMBRAER Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes; certificated in any category.

**Unsafe Condition**

(d) This AD results from reports of smoke on the flight deck caused by damage from poor electrical contact due to loosening of the attaching hardware of the power cables of certain windshield temperature controllers. We are issuing this AD to prevent overheating of the power cable terminals of the windshield temperature controllers, which could result in smoke on the flight deck.

**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.

**Inspection of Part Number (P/N) of Controller**

(f) Within 5,000 flight hours after the effective date of this AD, inspect to determine the part number of the left- and right-hand windshield temperature controllers. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the subject controller can be conclusively determined from that review. If any windshield temperature controller is found to have a part number other than Goodrich P/N 3801D2( ), no further action is required by this AD for that controller.

**Replacement of Attaching Hardware, Further Inspection, and Corrective Actions**

(g) Before further flight after performing the inspection required by paragraph (f) of this AD, for all windshield temperature controllers having Goodrich P/N 3801D2( ) or any controller for which the part number cannot be conclusively determined: Replace the attaching hardware of the power cable terminals of the controllers with new, improved attaching hardware having new part numbers. Concurrently, perform a detailed inspection for signs of melting or damage of the plastic crimping ring, cable insulation, or terminals of the power cables, and, before further flight, perform applicable corrective actions. Perform all the actions in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145–30–0043, Revision 02, dated May 25, 2006; or EMBRAER Service Bulletin 145LEG–30–0013, dated June 28, 2005; as applicable.

**Credit for Actions Accomplished Using Previous Issue of Service Bulletin**

(h) Actions accomplished before the effective date of this AD in accordance with EMBRAER Service Bulletin 145–30–0043, dated June 28, 2005; or Revision 01, dated April 7, 2006; are considered acceptable for compliance with the applicable corresponding actions required by this AD.

**Alternative Methods of Compliance (AMOCs)**

(i)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 FR 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) Brazilian airworthiness directive 2006–05–01, effective May 23, 2006, also addresses the subject of this AD.

**Material Incorporated by Reference**

(k) You must use EMBRAER Service Bulletin 145–30–0043, Revision 02, dated May 25, 2006; or EMBRAER Service Bulletin 145LEG–30–0013, dated June 28, 2005; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, S.W., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on February 6, 2007.

**Ali Bahrami,**

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

[FR Doc. E7–2510 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2006–25470; Directorate Identifier 2006–NM–090–AD; Amendment 39–14942; AD 2007–04–10]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 747–400 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 747–400 series airplanes. That AD currently requires replacement of the decompression panels that are located in the smoke barrier between the passenger and main deck cargo compartment with new panels of an improved design. This new AD requires modification of the decompression panels on the smoke barrier in the main deck cargo compartment, or replacement of the smoke barrier with an improved smoke barrier, as applicable. This new AD also requires repetitive inspections of the decompression (vent) panels on the smoke barrier and corrective actions if necessary. This new AD also adds airplanes to the applicability. This AD results from reports of decompression panels on the smoke barrier opening in flight and on the ground without a decompression event. We are issuing this AD to prevent inadvertent opening or tearing of decompression panels, which could result in degraded cargo fire detection and suppression capability, smoke penetration into an occupied compartment, and an uncontrolled cargo fire, if a fire occurs in the main deck cargo compartment.

**DATES:** This AD becomes effective March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of March 23, 2007.

**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.

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

**FOR FURTHER INFORMATION CONTACT:** Susan Letcher, 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) 917–6474; 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 96–24–03, amendment 39–9829 (61 FR 59319, November 22, 1996). The existing AD applies to certain Boeing Model 747–400 series airplanes. That NPRM was published in the **Federal Register** on August 1, 2006 (71 FR 43390). That NPRM proposed to require modification of the decompression panels on the smoke barrier in the main deck cargo compartment or replacement of the smoke barrier with an improved smoke barrier, as applicable. That NPRM also proposed to require repetitive inspections of the decompression (vent) panels on the smoke barrier and corrective actions if necessary. That NPRM also proposed to add airplanes to the applicability.

## 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 supports the NPRM.

### Request To Publish Service Information

The Modification and Replacement Parts Association (MARPA) states that, typically, ADs are based on service information originating with the type certificate holder or its suppliers. MARPA adds that manufacturer service documents are privately authored instruments generally having copyright protection against duplication and distribution. MARPA notes that when a service document is incorporated by reference into a public document, such as an AD, it loses its private, protected status and becomes a public document. MARPA adds that if a service document is used as a mandatory element of compliance, it should not simply be referenced, but should be incorporated into the regulatory document; by definition, public laws must be public, which means they cannot rely upon private writings. MARPA adds that service documents incorporated by reference should be made available to the public by publication in the Docket Management System (DMS), keyed to the action that incorporates them. MARPA notes that the stated purpose of the incorporation by reference method is brevity, to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals; traditionally, ''affected individuals'' means aircraft owners and operators, who are generally provided service information by the manufacturer. MARPA adds that a new class of affected individuals has emerged, since the majority of aircraft maintenance is now performed by specialty shops instead of aircraft owners and operators. MARPA notes that this new class includes maintenance and repair organizations, component servicing and repair shops, parts purveyors and distributors, and organizations manufacturing or servicing alternatively certified parts under section 21.303 (''Replacement and modification parts'') of the Federal Aviation Regulations (14 CFR 21.303). MARPA adds that the concept of brevity is now nearly archaic as documents exist more frequently in electronic format than on paper. Therefore, MARPA asks that the service documents deemed essential to the accomplishment of the NPRM be incorporated by reference into the regulatory instrument and published in the DMS.

We understand MARPA's comment concerning incorporation by reference. The Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the document necessary for the accomplishment of the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

In regard to the commenter's request to post service bulletins on the Department of Transportation's DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the final rule is necessary in response to this comment.

### Request To Allow Use of Parts Manufacturer Approval (PMA) Parts

MARPA states that the practice of requiring the replacement of a defective part with a certain part conflicts with 14 CFR 21.303. MARPA asserts that requiring installation of a certain part prevents installation of other good parts and prohibits the development of new parts. MARPA also states that the practice of requiring an alternative method of compliance (AMOC) to install a PMA part should be stopped. MARPA concludes that this practice presumes that all PMA parts are inherently defective and require an additional layer of approval. MARPA further states the NPRM does not comply with FAA Order 8040.2; that order states that replacement or installation of certain parts could have replacement parts approved under 14 CFR 21.303 based on a finding of identicality. That order also states that any parts approved under this regulation and installed should be subject to the actions of the AD and included in the applicability. MARPA states that if a PMA part is defective, then it must be addressed in an AD and not just simply implied by an AMOC requirement. MARPA suggests that we adopt language used in ADs issued by directorates other than the Transport Airplane Directorate, which specify installing an ''FAA-approved equivalent

part number'' or ''airworthy parts.'' MARPA contends that the mandates contained in Section 1, paragraph (b)(1) of Executive Order 12866 are not being met because the directorates differ in their treatment of this issue. MARPA, therefore, requests that we revise the NPRM to allow use of PMA parts.

We do not agree to revise this AD. The NPRM did not address PMA parts, as provided in draft FAA Order 8040.2, because the Order was only a draft that was out for comment at the time. After issuance of the NPRM, the Order was revised and issued as FAA Order 8040.5 with an effective date of September 29, 2006.

FAA Order 8040.5 does not address PMA parts in ADs. We acknowledge the need to ensure that unsafe PMA parts are identified and addressed in ADs related to Mandatory Continuing Airworthiness Information (MCAI). We are currently examining all aspects of this issue, including input from industry. Once we have made a final determination, we will consider how our policy regarding PMA parts in ADs needs to be revised. We consider that to delay this AD action would be inappropriate, since we have determined that an unsafe condition exists and that replacement of certain parts must be accomplished to ensure continued safety. Therefore, no change has been made to the final rule in this regard.

## Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD as proposed.

## Costs of Compliance

There are about 63 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs, at an average labor rate of $80 per hour, for U.S. operators to comply with the AD. The estimated work hours and cost of parts for the modification in the table below depend on the configuration of an airplane.

ESTIMATE COSTS

| Action | Work hours | Parts | Cost per airplane | Number of U.S.-registered airplanes | Fleet cost |
|---|---|---|---|---|---|
| Modification (new action) | 16–17 | $12,064–15,362 | $13,344–16,722 | 2 | $26,688–33,444. |
| Replacement (new action) | 4 | 48,647 | 48,967 | 2 | 97,934. |
| Inspection (new action) | 2 | None | 160 | 2 | 320, per inspection cycle. |

## Authority for This Rulemaking

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

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

## Regulatory Findings

We 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 39–9829 (61 FR 59319, November 22, 1996) and by adding the following new airworthiness directive (AD):

**2007–04–10 Boeing:** Amendment 39–14942. Docket No. FAA–2006–25470; Directorate Identifier 2006–NM–090–AD.

### Effective Date

(a) This AD becomes effective March 23, 2007.

### Affected ADs

(b) This AD supersedes AD 96–24–03.

### Applicability

(c) This AD applies to Boeing Model 747–400 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–25A3353, dated December 9, 2004.

### Unsafe Condition

(d) This AD results from reports of decompression panels on the smoke barrier opening in flight and on the ground without a decompression event. We are issuing this AD to prevent inadvertent opening or tearing of decompression panels, which could result in degraded cargo fire detection and suppression capability, smoke penetration into an occupied compartment, and an uncontrolled cargo fire, if a fire occurs in the main deck cargo compartment.

### 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.

**New Requirements of This AD**

*Modification or Replacement, as Applicable*

(f) Within 48 months after the effective date of this AD: Modify the decompression panels on the smoke barrier or replace the smoke barrier with an improved smoke barrier, by accomplishing all of the actions specified in Work Package 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3353, dated December 9, 2004, as applicable.

*Repetitive Inspection*

(g) Within 20 months or 6,000 flight hours after accomplishing the actions in paragraph (f) of this AD, whichever occurs first: Do a general visual inspection of the decompression (vent) panels on the smoke barrier for any changes from their installed condition, and do all corrective actions before further flight after the inspection, by accomplishing all of the actions specified in Work Package 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3353, dated December 9, 2004, as applicable. Repeat the inspection thereafter at intervals not to exceed 20 months or 6,000 flight hours, whichever occurs first.

**Note 1:** For the purposes of this AD, a general visual inspection 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 ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight 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.''

**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.

**Material Incorporated by Reference**

(i) You must use Boeing Alert Service Bulletin 747–25A3353, dated December 9, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. 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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on February 6, 2007.

**Ali Bahrami,**

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

[FR Doc. E7–2511 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–26049; Directorate Identifier 2006–NM–177–AD; Amendment 39–14949; AD 2007–04–17]**

**RIN 2120–AA64**

## Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, and DC–10–30F (KC–10A and KDC–10) Airplanes; Model DC–10–40 and DC–10–40F Airplanes Equipped With Pratt & Whitney JT9–20 or JT9–20J Engines; and Model MD–10–10F and MD–10–30F Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for the McDonnell Douglas airplanes previously described. This AD requires replacing the control modules of the fire detection systems of the propulsion engines with new, improved control modules. This AD results from a report of broken or severed wiring between engine fire detectors and the fire detection system control module, which caused the fire detection system to become non-functional without flightcrew awareness. We are issuing this AD to prevent unannunciated fire in a propulsion engine, which could cause injury to flightcrew and passengers or loss of the airplane.

**DATES:** This AD becomes effective March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of March 23, 2007.

**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.

Contact Meggitt Safety Systems, 1915 Voyager Avenue, Simi Valley, California 93063, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5262; fax (562) 627–5210.

**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 would apply to all McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, and DC–10–30F (KC–10A and KDC–10) airplanes; Model DC–10–40 and DC–10–40F airplanes equipped with Pratt & Whitney JT9–20 or JT9–20J engines; and all Model MD–10–10F and MD–10–30F airplanes. That NPRM was published in the **Federal Register** on October 13, 2006 (71 FR 60448). That NPRM proposed to require replacing the control modules of the fire detection systems of the propulsion engines with new, improved control modules.

### Comments

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

### Support for the NPRM

FedEx concurs with the NPRM as written and states its intent to also modify the fire detection systems of the auxiliary power units of subject FedEx airplanes, as described in the service information mandated by the AD.

### Request To Clarify Service Information Requirement

Hawaiian Airlines requests that we revise the NPRM to clarify what service information is acceptable for compliance with the AD. The commenter asserts that the NPRM states that the use of Meggitt Safety Systems Service Bulletin 26–34, Revision 2,

dated August 15, 2006, is acceptable for compliance. However, the commenter states that, according to Revision 1 and Revision 2 of the service bulletin, no further work is required. Therefore, the commenter inquires whether compliance with the original issue or Revision 1 of the service information will be acceptable.

We partially agree. Although we can find no statement in Service Bulletin 26–34, Revision 1, dated July 17, 2006 (which is the original issue); or Revision 2; that no further work is required, we have confirmed that Revision 1 and Revision 2 are technically identical and differ only in issues of format and style. Therefore, we have added new paragraph (g) to the AD to specify that actions accomplished before the effective date of the AD in accordance with Revision 1 of Service Bulletin 26–34 are acceptable for compliance with the requirements of the AD. We have re-identified subsequent paragraphs of the AD accordingly.

### Request To Include Statement of Intent To Incorporate by Reference

The Modification and Replacement Parts Association (MARPA) requests that, during the NPRM stage of AD rulemaking, the FAA state its intent to incorporate by reference (IBR) any relevant service information. MARPA states that without such a statement in the NPRM, it is unclear whether the relevant service information will be incorporated by reference in the final rule.

We do not concur with the commenter's request. When we reference certain service information in a proposed AD, the public can assume we intend to IBR that service information, as required by the Office of the Federal Register. No change to the AD is necessary in regard to the commenter's request.

### Request To Post IBR Documents on the Docket Management System (DMS)

MARPA asserts that IBR documents should be made available to the public by publication in the DMS, keyed to the action that incorporates them. MARPA therefore requests that such documents be published in the DMS prior to release of the final rule.

We do not agree with this request. We are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the AD is necessary in this regard.

### Conclusion

We have carefully reviewed the available data, including the comments 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

There are about 305 airplanes of the affected design in the worldwide fleet. This AD affects about 233 airplanes of U.S. registry. The required actions take about 6 work hours per airplane, at an average labor rate of $80 per work hour. Required parts cost about $9,900 per airplane. Based on these figures, the estimated cost of the AD for U.S. operators is $2,418,540, or $10,380 per airplane.

### 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 adding the following new airworthiness directive (AD):

**2007–04–17 McDonnell Douglas:** Amendment 39–14949. Docket No. FAA–2006–26049; Directorate Identifier 2006–NM–177–AD.

#### Effective Date

(a) This AD becomes effective March 23, 2007.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to McDonnell Douglas airplanes, certificated in any category; as specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) All Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, and DC–10–30F (KC–10A and KDC–10) airplanes;

(2) Model DC–10–40 and DC–10–40F airplanes equipped with Pratt & Whitney JT9–20 or JT9–20J engines; and

(3) All Model MD–10–10F and MD–10–30F airplanes.

#### Unsafe Condition

(d) This AD results from a report of broken or severed wiring between engine fire detectors and the fire detection system control module, which caused the fire detection system to become non-functional without flightcrew awareness. We are issuing this AD to prevent unannunciated fire in a propulsion engine, which could cause injury to flightcrew and passengers or loss of the airplane.

#### Compliance

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

**Control Module Replacement**

(f) Within 60 months after the effective date of this AD, replace the control modules of the fire detection systems of the propulsion engines with new, improved control modules, in accordance with paragraph 2., ''Main Engine Control Module Replacement Instructions,'' of Meggitt Safety Systems Service Bulletin 26–34, Revision 2, dated August 15, 2006.

**Credit for Previous Revisions of Service Bulletins**

(g) Actions done before the effective date of this AD in accordance with Meggitt Safety Systems Service Bulletin 26–34, Revision 1, dated July 17, 2006, are acceptable for compliance with the corresponding actions required by paragraph (f) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(h)(1) The Manager, Los Angeles 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.

**Material Incorporated by Reference**

(i) You must use Meggitt Safety Systems Service Bulletin 26–34, Revision 2, dated August 15, 2006, to perform the actions that are required by this AD, unless the AD specifies otherwise. Meggitt Safety Systems Service Bulletin 26–34, Revision 2, dated August 15, 2006, contains the following effective pages:

| Page number | Revision level shown on page | Date shown on page |
|---|---|---|
| 1–26 ..... | 2 | August 15, 2006. |
| 27–61 .... | 1 | July 17, 2006. |

The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Meggitt Safety Systems, 1915 Voyager Avenue, Simi Valley, California 93063, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on February 8, 2007.

**Ali Bahrami,**

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

[FR Doc. E7–2639 Filed 2–15–07; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–25563; Directorate Identifier 2006–NM–083–AD; Amendment 39–14950; AD 2007–04–18]**

**RIN 2120–AA64**

## Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A (C–21A), 36, 36A, 55, 55B, and 55C Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Learjet Model 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A (C–21A), 36, 36A, 55, 55B, and 55C airplanes. This AD requires modifying the left- and right-hand standby fuel pump switches. This AD also requires revising the Emergency and Abnormal Procedures sections of the airplane flight manual to advise the flightcrew of the proper procedures to follow in the event of failure of the standby fuel pump to shut off. This AD results from a report of inadvertent operation of a standby fuel pump due to an electrical system malfunction. We are issuing this AD to prevent this inadvertent operation, which could result in inadvertent fuel transfer by the left or right wing fuel system and subsequent over-limit fuel imbalance between the left and right wing fuel loads. This imbalance could affect lateral control of the airplane which could result in reduced controllability.

**DATES:** This AD becomes effective March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 23, 2007.

**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.

Contact Learjet, Inc., One Learjet Way, Wichita, Kansas 67209–2942, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** James Galstad, Aerospace Engineer, Mechanical Systems and Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4135; fax (316) 946–4107.

**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 would apply to certain Learjet Model 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A (C–21A), 36, 36A, 55, 55B, and 55C airplanes. That NPRM was published in the **Federal Register** on August 16, 2006 (71 FR 47154). That NPRM proposed to require modifying the left- and right-hand standby fuel pump switches. That NPRM also proposed to require revising the Emergency and Abnormal Procedures sections of the airplane flight manual (AFM) to advise the flightcrew of the proper procedures to follow in the event of failure of the standby fuel pump to shut off.

### Comments

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

### Requests To Withdraw the NPRM

One private citizen states that the flight department he works for operates three Learjet Model 35A airplanes and a Learjet Model 31 airplane. He adds that the airplanes have never had an inadvertent operation of the fuel pumps resulting in an over-limit fuel imbalance. He also notes that the fuel crossflow valve must be open in order to transfer fuel; this requires two switches to be selected—the standby fuel pump and the crossflow valve. He states that even if a standby fuel pump is inadvertently activated, no fuel will be transferred unless the crossflow valve is also open. He concludes that there is already enough protection in the system to avoid an over-limit fuel imbalance.

We infer that the commenter is stating that an AD is not required. We recognize that the crossflow valve must be open for fuel to be transferred; however, as the operation of the pump may not be recognized by the flightcrew, the transfer valve may be opened in an attempt to correct an existing fuel imbalance, creating an even greater imbalance. We do not agree that there is enough protection in the system to avoid an over-limit fuel imbalance when an electrical malfunction provides power to an electric standby pump. This condition was found during an accident investigation. We have made no change to the AD in this regard.

Another private citizen states that his organization has operated up to 13 Learjet 20 series airplanes (some with 20,000 total airframe hours) for almost 20 years and has never encountered the unsafe condition. He adds that if this problem were to occur, it should not generate an emergency situation but simply an abnormal procedure that is addressed by the aircraft checklist. He asks what pertinent information leads to the conclusion that an unsafe condition is likely to exist or develop on other airplanes. He adds that the condition of imbalance caused by inadvertent standby pump operation, as specified in the NPRM, is not likely to occur; if it did occur, the flightcrew could read the proper procedure in the checklist. He concludes that safety is not jeopardized at all.

We infer that the commenter wants us to withdraw the NPRM; we do not agree with the request. We acknowledge that existing airplane checklist procedures appear to be adequate, but using previous AFM procedures does not ensure that the imbalance will be corrected. Based on the data presented to date of over 30 reports of imbalance, we find that this AD is warranted. We have made no change to the AD in this regard.

**Request To Publish Service Information/Incorporate by Reference in NPRM**

The Modification and Replacement Parts Association (MARPA) states that ADs are based on service information that originates from the type certificate holder or its suppliers. MARPA adds that manufacturer's service documents are privately authored instruments, generally having copyright protection against duplication and distribution. When a service document is incorporated by reference into a public document, such as an AD, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51, it loses its private, protected status and becomes a public document. MARPA notes that if a service document is used as a mandatory element of compliance, it should not simply be referenced, but should be incorporated by reference. MARPA believes that public laws, by definition, should be public, which means they cannot rely upon private writings for compliance. MARPA adds that the legal interpretation of a document is a question of law, not of fact; therefore, unless the service document is incorporated by reference it cannot be considered. MARPA is concerned that failure to incorporate essential service information could result in a court decision invalidating the AD.

MARPA also states that service documents incorporated by reference should be made available to the public by publication in the Docket Management System (DMS), keyed to the action that incorporates those documents. MARPA notes that the stated purpose of the incorporation by reference method is brevity, to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals. MARPA adds that, traditionally, ''affected individuals'' means aircraft owners and operators, who are generally provided service information by the manufacturer. MARPA adds that a new class of affected individuals has emerged, since the majority of aircraft maintenance is now performed by specialty shops instead of aircraft owners and operators. MARPA notes that this new class includes maintenance and repair organizations, component servicing, and/or servicing alternatively certified parts under section 21.303 (''Replacement and modification parts'') of the Federal Aviation Regulations (14 CFR 21.303). MARPA notes that distribution to owners may, when the owner is a financing or leasing institution, not actually reach the people responsible for accomplishing the AD. Therefore, MARPA asks that the service documents deemed essential to the accomplishment of the NPRM be incorporated by reference into the regulatory instrument and published in DMS.

We acknowledge MARPA's comments. The Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the documents necessary for the accomplishment of the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, as noted by the commenter, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

In regard to MARPA's request to post service bulletins on the Department of Transportation's DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the AD is necessary in response to these comments.

**Conclusion**

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD as proposed.

**Costs of Compliance**

There are about 1,613 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD, at an average labor rate of $80 per work hour, depending on airplane configuration.

ESTIMATED COSTS

| Action | Work hours | Parts | Cost per airplane | Number of U.S.-registered airplanes | Fleet cost |
|---|---|---|---|---|---|
| Modification | Between 4 and 12 | Between $1,426 and $1,470. | Between $1,746 and $2,430. | 1,150 | Between $2,007,900 and $2,794,500. |
| AFM Revision | 1 | None | $80 | 1,150 | $92,000 |

## 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 adding the following new airworthiness directive (AD):

**2007–04–18 Learjet:** Amendment 39–14950. Docket No. FAA–2006–25563; Directorate Identifier 2006–NM–083–AD.

**Effective Date**

(a) This AD becomes effective March 23, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to the Learjet models identified in the applicable Bombardier service bulletin listed in Table 1 of this AD.

TABLE 1.—APPLICABILITY BY SERVICE BULLETIN

| Bombardier service bulletin | Revision level | Date | Learjet model(s) |
|---|---|---|---|
| SB 23–28–6 | Original | April 21, 1998 | 23. |
| SB 24/25–28–3 | 2 | February 21, 1998 | 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, and 24F–A airplanes; and 25, 25A, 25B, 25C, 25D, and 25F airplanes. |
| SB 28/29–28–4 | 3 | June 2, 1999 | 28 and 29 airplanes. |
| SB 31–28–7 | 3 | January 26, 2001 | 31 and 31A airplanes. |
| SB 35/36–28–11 | 4 | December 4, 2000 | 35 and 35A (C–21A) airplanes; 36 and 36A airplanes. |
| SB 55–28–13 | 3 | December 15, 2000 | 55, 55B and 55C airplanes. |

**Unsafe Condition**

(d) This AD results from a report of inadvertent operation of a standby fuel pump due to an electrical system malfunction. We are issuing this AD to prevent this inadvertent operation, which could result in inadvertent fuel transfer by the left or right wing fuel system and subsequent over-limit fuel imbalance between the left and right wing fuel loads. This imbalance could affect lateral control of the airplane which could result in reduced controllability.

**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 24 months after the effective date of this AD: Modify the left- and right-hand standby fuel pump switches, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in Table 1 of this AD.

**Airplane Flight Manual (AFM) Revision**

(g) Before further flight after accomplishing the modification required by paragraph (f) of this AD: Revise the Emergency and Abnormal Procedures sections of the applicable Learjet AFM to advise the flightcrew of proper procedures to follow in the event of failure of the standby fuel pump to shut off by including the information in the applicable Learjet temporary flight manual (TFM) changes identified in Table 2 of this AD. This may be done by inserting a copy of the TFM changes into the AFM. When the TFM changes have been included in the general revisions of the AFM, those general revisions may be inserted into the AFM, provided the relevant information in the general revisions is identical to that in the TFM changes.

TABLE 2.—TFM CHANGES

| Learjet model(s) | Learjet TFM change | Date | To the Learjet AFM |
|---|---|---|---|
| 24, 25, 28, 29, 31, 35, 36, and 55 airplanes. | TFM 96–08 | May 30, 1996 | 24 (FM–004), 24B (FM–006), 24D (FM–009), 24E (FM–011), 24F (FM–012), 24 ECR 736 (FM–008), 25 (FM–014), 25B/C (FM–016), 25D/F (FM–018), 28/29 (FM–100), 31 (FM–112), 31A (FM–121), 35/36 (FM–019), 35A/36A FC–200 (FM–102), 35A/36A FC–530 (FM–108), 55 (FM–103), 55B (FM–110), 55C (FM–114). |
| 24, 25, 28, 29, 31, 35, 36, and 55 airplanes. | TFM 96–09 | May 30, 1996 | 24 (FM–004), 24B (FM–006), 24D (FM–009), 24E (FM–011), 24F (FM–012), 24 ECR 736 (FM–008), 25 (FM–014), 25B/C (FM–016), 25D/F (FM–018), 28/29 (FM–100), 31 (FM–112), 31A (FM–121), 35/36 (FM–019), 35A/36A FC–200 (FM–102), 35A/36A FC–530 (FM–108), 55 (FM–103), 55B (FM–110), 55C (FM–114). |
| 23 airplanes | TFM 98–01 | May 11, 1999 | 23 (FM–003). |
| 23 airplanes | TFM 98–02 | May 11, 1999 | 23 (FM–003). |

**Alternative Methods of Compliance (AMOCs)**

(h)(1) The Manager, Wichita 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.

**Material Incorporated by Reference**

(i) You must use the applicable service information identified in Tables 3 and 4 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. (Only page 1 of Learjet Temporary Flight Manual Change TFM 96–08, dated May 30, 1996; and Learjet Temporary Flight Manual Change TFM 96–09, dated May 30, 1996; contain the document date, no other pages of the document contain this information.) The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Learjet, Inc., One Learjet Way, Wichita, Kansas 67209–2942, 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.*

TABLE 3.—SERVICE BULLETINS INCORPORATED BY REFERENCE

| Bombardier service bulletin | Revision level | Date |
|---|---|---|
| SB 23–28–6 | Original Issue | April 21, 1998. |
| SB 24/25–28–3 | 2 | February 21, 1998. |
| SB 28/29–28–4 | 3 | June 2, 1999. |
| SB 31–28–7 | 3 | January 26, 2001. |
| SB 35/36–28–11 | 4 | December 4, 2000. |
| SB 55–28–13 | 3 | December 15, 2000. |

TABLE 4.—TEMPORARY CHANGES INCORPORATED BY REFERENCE

| Learjet Temporary Flight Manual (TFM) change | Date | To the Learjet Airplane Flight Manual |
|---|---|---|
| TFM 96–08 | May 30, 1996 | 24 (FM–004), 24B (FM–006), 24D (FM–009), 24E (FM–011), 24F (FM–012), 24 ECR 736 (FM–008), 25 (FM–014), 25B/C (FM–016), 25D/F (FM–018), 28/29 (FM–100), 31 (FM–112), 31A (FM–121), 35/36 (FM–019), 35A/36A FC–200 (FM–102), 35A/36A FC–530 (FM–108), 55 (FM–103), 55B (FM–110), 55C (FM–114) |
| TFM 96–09 | May 30, 1996 | 24 (FM–004), 24B (FM–006), 24D (FM–009), 24E (FM–011), 24F (FM–012), 24 ECR 736 (FM–008), 25 (FM–014), 25B/C (FM–016), 25D/F (FM–018), 28/29 (FM–100), 31 (FM–112), 31A (FM–121), 35/36 (FM–019), 35A/36A FC–200 (FM–102), 35A/36A FC–530 (FM–108), 55 (FM–103), 55B (FM–110), 55C (FM–114) |
| TFM 98–01 | May 11, 1999 | 23 (FM–003) |
| TFM 98–02 | May 11, 1999 | 23 (FM–003) |

Issued in Renton, Washington, on February 6, 2007.

**Ali Bahrami,**

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

[FR Doc. E7–2640 Filed 2–15–07; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2005–20351; Directorate Identifier 2003–NM–269–AD; Amendment 39–14948; AD 2007–04–16]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 767 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Boeing Model 767 airplanes. This AD requires an inspection of each main tank fuel boost pump for the presence of a pump shaft flame arrestor, and if the flame arrestor is missing, replacement of that pump with a pump having a pump shaft flame arrestor. This AD also requires repetitive measurements of the flame arrestor's position in the pump, and corrective actions if necessary. This AD also requires the replacement of the pump with a new or modified pump, which ends the repetitive measurements. This AD results from reports that certain fuel boost pumps may not have flame arrestors installed in the pump shaft and reports that the pin that holds the flame arrestor in place can break due to metal fatigue. We are issuing this AD to prevent the possible migration of a flame from a main tank fuel boost pump inlet to the vapor space of that fuel tank, and consequent ignition of fuel vapors, which could result in a fire or explosion.

**DATES:** This AD becomes effective March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 23, 2007.

**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.

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

**FOR FURTHER INFORMATION CONTACT:** Judith Coyle, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6497; fax (425) 917–6590.

**SUPPLEMENTARY INFORMATION:**

### 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 street address stated in the **ADDRESSES** section.

### Discussion

The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to all Boeing Model 767 airplanes. That supplemental NPRM was published in the **Federal Register** on July 6, 2006 (71 FR 38304). That supplemental NPRM proposed to require an inspection of each main tank fuel boost pump for the presence of a pump shaft flame arrestor, and if the flame arrestor is missing, replacement of that pump with a pump having a pump shaft flame arrestor. That supplemental NPRM also proposed to require repetitive measurements of the flame arrestor's position in the pump, and corrective actions if necessary. That supplemental NPRM also proposed to require the replacement of the pump with a new or modified pump, which ends the repetitive measurements.

### Comments

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

### Request for Clarification of Replacement Requirement

The Air Transport Association (ATA) of America, on behalf of one of its member operators, Delta Air Lines, requests that we explain why we propose to require replacing the pump shaft without including the option of replacing the shaft pin or periodically inspecting the pin. Delta states that replacing the entire shaft would be at a considerable cost and that a more cost-effective solution would be to develop a pin replacement repair.

We acknowledge that it may be possible to develop a more cost-effective solution than the replacement specified in this AD. However, the manufacturer has developed only a single design solution (replacement of the pump shaft) to fully address the identified unsafe condition specified in this AD. We have mandated this terminating action because we can better ensure long-term continued operational safety by design changes to remove the source of the problem, rather than by repetitive inspections. We also recognize that alternative methods of compliance (AMOCs) that meet the intent of this AD may also exist; operators may request an AMOC in accordance with the procedures specified in paragraph (l) of this AD. We have not revised this AD in this regard.

### Request To Remove Terminating Action Requirement

Delta Air Lines requests that we do not mandate the terminating action specified in paragraph (i) of the supplemental NPRM that would require replacing the pump within 36 months. Delta Air Lines states that if the 6,000-flight-hour or 24-month repetitive interval specified in paragraphs (f) and (g) of the supplemental NPRM provide an acceptable level of safety, then the repetitive interval should be adequate until an operator can schedule the terminating action specified in paragraph (i) of the supplemental NPRM, if desired.

We do not agree to remove the requirement to do the terminating action specified in paragraph (i) of this AD. We can better ensure long-term continued operational safety by modifications or design changes to remove the source of the problem, rather than by repetitive inspections/testing. Long-term inspections/testing may not provide the degree of safety necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led us to consider placing less emphasis on special procedures and more emphasis on design improvements.

We developed the 36-month compliance time for the replacement in accordance with manufacturer recommendations and we considered the urgency associated with the subject unsafe condition, the availability of required parts, and the practical aspect of accomplishing the required modification within a period of time that corresponds to the normal scheduled maintenance for most affected operators. However, according to the procedures specified in paragraph

(l) of this AD, we may approve requests to adjust the compliance time if the request includes data that substantiate that the new compliance time would provide an acceptable level of safety. We have not revised this AD in this regard.

**Request To Coordinate With Pending Related Actions**

ATA, on behalf of one its member operators, Delta Air Lines, requests that the supplemental NPRM be coordinated with any action that may be pending to address the fuel pump feed-through connector in order to avoid more pump removals than are required to accomplish both actions. Delta Air Lines believes that Boeing Alert Service Bulletins 767–28A0095 and 767–28A0096, both dated September 15, 2005, which address the fuel pump feed-through connector, could be done concurrently with this supplemental NPRM.

We acknowledge that coordinating the actions in this AD with the actions specified in Boeing Alert Service Bulletins 767–28A0095 and 767–28A0096 may reduce the number of pump removals. However, we have not yet issued any AD rulemaking related to those service bulletins, and to delay this action would be inappropriate, since we have determined that an unsafe condition exists and the requirements of this AD must be done to ensure continued operational safety. We are considering AD rulemaking related to Boeing Alert Service Bulletins 767–28A0095 and 767–28A0096, and we are also considering how the compliance times specified in this AD will fit with the compliance times of that future rulemaking. Operators should note that it is always permitted to accomplish the requirements of any AD at a time earlier than the specified compliance time. We have not revised this AD in this regard.

**Request To Add Phrase to Unsafe Condition Statement**

Boeing requests that the phrase ''should the pump inlets become uncovered'' be added to paragraph (d) of the supplemental NPRM. The commenter notes that the phrase was removed by the FAA in the supplemental NPRM because the FAA stated that ''the pump inlet does not need to be uncovered for ignited vapors in the pump to cause a tank explosion.'' The commenter contends that the fuel pump inlets being covered in fuel mitigates the unsafe condition because when the fuel pump inlets are covered, the inlets and pump cavity are full of liquid fuel in which no flame front could develop.

We acknowledge the need for clarification of the unsafe condition statement. We acknowledge that operation of a fuel pump with its inlet below the surface of the fuel in the tank ensures that the ignition risk addressed by this AD is eliminated for the majority of the time the pump operates. However, ground fuel transfer conditions can lead to dry operation of the fuel pump. After the pump inlet is again covered by fuel by the addition of fuel to the tank, the pump operates for a brief period of time until it is re-primed. During this period of operation with the inlet covered by fuel, there is still some risk of a tank ignition event if an ignition source generating failure occurs within a pump with a missing flame arrestor. Therefore, we have not revised this AD in this regard.

**Request To Incorporate Service Information**

The Modification and Replacement of Parts Association (MARPA) states that typically ADs are based on service information originating with the type certificate holder or its suppliers. MARPA also states that manufacturer's service documents are privately authored instruments generally enjoying copyright protection against duplication and distribution. MARPA contends that when a service document is incorporated by reference pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 into a public document such as an AD, it loses its private, protected status and becomes itself a public document. MARPA explains that if a service document is used as a mandatory element of compliance it should not simply be referenced, but should be incorporated into the regulatory document. MARPA states that public laws by definition must be public which means they cannot rely for compliance upon private writings. MARPA is concerned that failure to incorporate essential service information could result in a court decision invalidating the AD.

MARPA also states that incorporation by reference service documents should be made available to the public by publication in the Docket Management System (DMS) keyed to the action that incorporates them. MARPA explains that the stated purpose of the incorporation by reference method of the **Federal Register** is brevity; to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals. MARPA notes that traditionally, ''affected individuals'' has meant aircraft owners and operators who are generally provided service information by the manufacturer. However, MARPA states that a new class of affected individuals has emerged since the majority of aircraft maintenance is now performed by specialty shops instead of aircraft owners and operators. MARPA states that this new class includes maintenance and repair organizations (MRO), component servicing and repair shops, parts purveyors and distributors and organizations manufacturing or servicing alternatively certified parts under section 21.303 (''Replacement and modification parts'') of the Federal Aviation Regulations (14 CFR 21.303). Further, MARPA states that the concept of brevity is now nearly archaic as documents exist more frequently in electronic format than on paper.

We acknowledge that the Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the documents necessary for the accomplishment of the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

In regard to the commenter's request to post service bulletins on the Department of Transportation's DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the AD is necessary in response to this comment.

**Request To Comply With FAA Order 8040.2**

The same commenter requests that the supplemental NPRM comply with FAA Order 8040.2. The commenter states that for mandatory continuing airworthiness information (MCAI) (issued by an aviation authority of another country) that require replacement or installation of certain parts, the Order allows for replacement of parts approved under section 21.303 (''Replacement and modification parts'') of the Federal Aviation Regulations (14 CFR 21.303) based on a finding of identicality in the FAA's AD. The commenter notes that the supplemental NPRM is not from an MCAI but believes that the principles of the order should be universal.

We do not agree. The supplemental NPRM did not address parts manufacturer approval (PMA) parts, as provided in draft FAA Order 8040.2, because the Order was only a draft that was out for comment at the time. After issuance of the NPRM, the Order was revised and issued as FAA Order 8040.5 with an effective date of September 29, 2006. FAA Order 8040.5 does not address PMA parts in ADs and does not apply to domestic ADs. Therefore, we have not revised the AD in this regard.

**Request To Address the Use of PMA Parts**

The same commenter also requests that we revise the way we address the use of PMA parts in the supplemental NPRM.

- The commenter requests that the language in the supplemental NPRM be changed to permit installation of PMA equivalent parts. The commenter states that the mandated installation of a certain part number in the NPRM ''is at variance with the higher authority of 14 CFR Section 21.303.'' The commenter notes that only safety issues can be addressed in airworthiness directives as set forth in Title 49 and ''the prima facia invalidation of FAR 21.303'' by AD action is an economic issue not within purview of the AD.
- The commenter contends that it is illogical to require an operator to request approval of an AMOC in order to install an ''equivalent'' PMA part.
- The commenter also requests that the supplemental NPRM be revised to cover possible defective PMA alternative parts so that those defective PMA parts also are subject to the supplemental NPRM.
- The commenter also points out that ADs issued by directorates other than the Transport Airplane Directorate contain wording that address PMA parts and requests that we use the wording specified in an AD from the Small Airplane Directorate. The commenter notes that because the supplemental NPRM differs markedly in the treatment of this issue, the mandates contained in Section 1, paragraph (b)(10) of Executive Order 12866 are not being met.

We recognize the need for standardization on this issue and currently are in the process of reviewing such issues that address the use of PMAs in ADs at the national level. The Transport Airplane Directorate considers that to delay this particular AD action would be inappropriate, since we have determined that an unsafe condition exists and that replacement of certain parts must be accomplished to ensure continued safety. Therefore, we have not revised the AD in this regard.

**Clarification of Compliance Time**

Paragraph (f)(2) of the supplemental NPRM specifies a compliance time of ''within 365 days after the date on which the airplane accumulates 15,000 total flight hours.'' We have revised the compliance time specified in paragraph (f)(2) of this AD to ''within 365 days after the date on which the airplane accumulates 15,000 total flight hours or within 24 months after performing the initial inspection required by paragraph (f) of this AD, whichever occurs later.'' We made this change in order to give airplanes identified in paragraph (f)(2) that reach 15,000 total flight hours shortly after performing the initial inspection required by paragraph (f) a similar compliance time of 24 months after performing the initial inspection that is specified for airplanes in paragraphs (f)(1) and (g) of this AD. We considered the safety issues and the recommendations of the manufacturer and have determined that a 24-month interval after performing the initial inspection will ensure an acceptable level of safety.

**Conclusion**

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

**Costs of Compliance**

This AD affects about 915 airplanes worldwide, and 400 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

| Action | Work hours | Average labor rate per hour | Parts | Cost per airplane | Fleet cost |
|---|---|---|---|---|---|
| Inspection of flame arrestor presence/position. | 5 | $80 | None | $400, per inspection cycle .... | $160,000, per inspection cycle. |
| Replacement ..... | 3 | 80 | $25,004 | $25,244 ..... | [1] $10,097,600. |

[1] The parts manufacturer states that it may cover the cost of replacement parts associated with this AD for certain affected airplanes, subject to warranty conditions. As a result, the costs attributable to this AD may be less than stated above.

**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 adding the following new airworthiness directive (AD):

**2007–04–16 Boeing:** Amendment 39–14948. Docket No. FAA–2005–20351; Directorate Identifier 2003–NM–269–AD.

**Effective Date**

(a) This AD becomes effective March 23, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all Boeing Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category.

**Unsafe Condition**

(d) This AD results from reports that certain fuel boost pumps may not have flame arrestors installed in the pump shaft and reports that the pin that holds the flame arrestor in place can break due to metal fatigue. We are issuing this AD to prevent the possible migration of a flame from a main tank fuel boost pump inlet to the vapor space of that fuel tank, and consequent ignition of fuel vapors, which could result in a fire or explosion.

**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.

**Inspection for Presence/Position of Flame Arrestor in Main Tank Fuel Boost Pumps**

(f) For airplanes having line numbers (L/Ns) 1 through 914 inclusive, except as provided by paragraph (h) of this AD: Within 365 days after the effective date of this AD, do a detailed inspection of each main tank fuel boost pump to determine if the pump shaft flame arrestor is installed, a measurement of the flame arrestor's position in the pump, and all applicable corrective actions, by accomplishing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0077 (for Model 767–200, –300, and –300F series airplanes) or Boeing Alert Service Bulletin 767–28A0081 (for Model 767–400ER series airplanes), both Revision 1, both dated July 8, 2004, as applicable. Repeat the measurement of the flame arrestor's position in the pump thereafter at intervals not to exceed the applicable time specified in paragraph (f)(1) or (f)(2) of this AD, until the replacement required by paragraph (i) of this AD is accomplished. All applicable corrective actions must be done before further flight.

**Note 1:** Any inspection/measurement of the pumps on the left and right main fuel tanks may be done separately provided that the actions are done on all pumps within the compliance time specified in paragraph (f) of this AD.

(1) For airplanes that have accumulated more than 15,000 total flight hours as of the date the initial actions are done in accordance with paragraph (f) of this AD: Repeat the measurement thereafter at intervals not to exceed 6,000 flight hours or 24 months, whichever comes first.

(2) For airplanes that have accumulated 15,000 total flight hours or fewer as of the date the initial actions are done in accordance with paragraph (f) of this AD: Do the measurement specified in paragraph (f) of this AD within 365 days after the date on which the airplane accumulates 15,000 total flight hours or within 24 months after performing the initial inspection required by paragraph (f) of this AD, whichever occurs later. Repeat the measurement thereafter at intervals not to exceed 6,000 flight hours or 24 months, whichever comes first.

**Note 2:** Boeing Alert Service Bulletins 767–28A0077 and 767–28A0081 reference Hamilton Sundstrand Service Bulletin 5006003–28–2, dated October 25, 2002, as an additional source of service information for accomplishment of the inspection and corrective actions. Although the Hamilton Sundstrand service bulletin specifies to return main tank fuel boost pumps with damaged, broken, or out-of-position flame arrestors to a repair shop, that action is not required by this AD.

**Note 3:** For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

(g) For airplanes having L/Ns 915 and on, except as provided by paragraph (h) of this AD: At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, do a detailed inspection of each main tank fuel boost pump to determine if the pump shaft flame arrestor is installed, a measurement of the flame arrestor's position in the pump, and all applicable corrective actions, by accomplishing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0077 (for Model 767–200, –300, and –300F series airplanes) or Boeing Alert Service Bulletin 767–28A0081 (for Model 767–400ER series airplanes), both Revision 1, both dated July 8, 2004, as applicable. Repeat the measurement of the flame arrestor's position in the pump thereafter at intervals not to exceed 6,000 flight hours or 24 months, whichever comes first, until the replacement required by paragraph (i) of this AD is accomplished. All applicable corrective actions must be done before further flight.

**Note 4:** Any inspection/measurement of the pumps on the left and right main fuel tanks may be done separately provided that the actions are done on all pumps within the compliance time specified in paragraph (g) of this AD.

(1) For airplanes that have accumulated more than 15,000 total flight hours as of the effective date of this AD, do the actions within 365 days after the effective date of this AD.

(2) For airplanes that have accumulated 15,000 total flight hours or fewer as of the effective date of this AD, do the actions within 365 days after the date on which the airplane accumulates 15,000 total flight hours.

**Optional Terminating Action—Records Review**

(h) For any period when the part number (P/N) of a main tank fuel boost pump installed on any airplane, as conclusively determined from a review of airplane maintenance records, is P/N 5006003D, no further action is required by paragraphs (f), (g), and (i) of this AD for that pump only.

**Replacement of the Main Tank Fuel Boost Pumps**

(i) Within 36 months after the effective date of this AD, replace the left and right main tank fuel boost pumps with new or modified pumps in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0088 (for Model 767–200, –300, and –300F series airplanes) or Boeing Alert Service Bulletin 767–28A0089 (for Model 767–400ER series airplanes), both dated February 24, 2005, as applicable. Accomplishment of the replacement terminates the repetitive measurement requirements of paragraphs (f) and (g) of this AD for that pump only.

**Note 5:** Any replacement of the pumps on the left and right main fuel tanks may be done separately provided that all pumps are replaced within the compliance time specified in paragraph (i) of this AD.

**Note 6:** Boeing Alert Service Bulletins 767–28A0088 and 767–28A0089 reference Hamilton Sundstrand Service Bulletin 5006003–28–3, dated December 8, 2004, as the appropriate source of service information for modifying the pump.

**Inspections Accomplished According to Previous Issue of Service Bulletin**

(j) Inspections accomplished before the effective date of this AD in accordance with Boeing Alert Service Bulletin 767–28A0077, dated March 6, 2003; or Boeing Alert Service

Bulletin 767–28A0081, dated March 6, 2003; are considered acceptable for compliance with the corresponding action specified in paragraphs (f) and (g) of this AD.

**Parts Installation**

(k) As of the effective date of this AD, only main tank fuel boost pumps identified in paragraphs (k)(1) and (k)(2) of this AD may be installed on any airplane.

(1) Any main tank fuel boost pump that has been inspected, and on which all applicable corrective actions have been performed, in accordance with paragraph (f) or (g) of this AD.

(2) Any main tank fuel boost pump having P/N 5006003D.

**Alternative Methods of Compliance (AMOCs)**

(l)(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.

**Material Incorporated by Reference**

(m) You must use the applicable service bulletin specified in Table 1 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. 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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, S.W., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

| Boeing alert service bulletin | Revision level | Date |
|---|---|---|
| 767–28A0077 | 1 | July 8, 2004. |
| 767–28A0081 | 1 | July 8, 2004. |
| 767–28A0088 | Original | February 24, 2005. |
| 767–28A0089 | Original | February 24, 2005. |

Issued in Renton, Washington, on February 5, 2007.

**Ali Bahrami,**

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

[FR Doc. E7–2644 Filed 2–15–07; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–26235; Directorate Identifier 2006–CE–65–AD; Amendment 39–14945; AD 2007–04–13]**

**RIN 2120–AA64**

## Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This 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 cracks found on several main landing gear cylinders. We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective March 23, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 23, 2007.

**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 FURTHER INFORMATION CONTACT:** Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; 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 AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on December 22, 2006 (71 FR 76950). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states reports of cracks found on several main landing gear (MLG) cylinders. If not detected and corrected, fatigue cracks in the shock strut cylinder of the MLG could result in a collapsed MLG during takeoff or landing, and possible reduced structural integrity of the airplane. The MCAI requires inspecting the MLG forging body for cracks and repairing any cracks found.

### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

*Comment Issue No. 1: Change the Required Parts Cost in the Compliance Section*

EADS SOCATA comments the cost for the parts required to do the actions in the proposed AD are totally out of proportion. EADS SOCATA states the application of SB 70–130, ATA No. 32, dated January 2006, requires only two cotter pins and this cost is negligible.

The proposed AD states it will take approximately $125,600 to comply with the AD.

In our cost estimate, we grouped all actions required to comply with the AD, including replacement of any MLG found cracked. We have since learned from EADS SOCATA that labor and parts costs for any cracked MLG will be provided under warranty. We will modify the Costs of Compliance section to reflect the 3 work-hours to do the inspection and the warranty coverage for the replacement MLG.

*Comment Issue No. 2: Change the Number of Work-Hours in the Compliance Section*

EADS SOCATA comments they have established, by applying the service bulletin, it takes 2 work-hours per product to perform an eddy current inspection, and it takes 3 work-hours per product to perform a dye penetrant or fluorescent penetrant inspection.

The proposed AD states it will take approximately 18 work-hours to comply with the AD.

In our cost estimate, we grouped all actions required to comply with the AD, including replacement of any MLG found cracked. We have since learned from EADS SOCATA that labor and parts costs for any cracked MLG will be provided under warranty. We will modify the Costs of Compliance section to reflect the 3 work-hours to do the inspection and the warranty coverage for the replacement MLG.

*Comment Issue No. 3: Change the Compliance Time*

EADS SOCATA comments that SB 70–130, ATA No. 32, dated January 2006, specifies for MLG with forging body totaling more than 3,500 landings to inspect the forging body within 25 landings after issuance of the service bulletin. However, the proposed AD lowers the limit to 3,475 landings. EADS SOCATA states the limit of 3,500 landings was established by analysis considering all necessary margins.

EADS SOCATA requests the FAA change paragraph (e)(2) to read, ''For MLG with forging body totaling more than 3,500 landings:'' or explain the reason for the difference in the FAA AD Differences section.

After evaluating the service bulletin further, we agree with the language presented by the commenter. We will change the final rule AD action based on this comment.

**Conclusion**

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

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

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable in a U.S. court of law. 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 required 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 AD. These requirements, if any, take precedence over the actions copied from the MCAI.

**Costs of Compliance**

We estimate that this AD will affect 272 products of U.S. registry. We also estimate that it will take about 3 work-hours per product to comply with the basic requirements (inspection) of this AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the basic requirements of this AD to the U.S. operators to be $65,280, or $240 per product.

In addition, follow-on actions (possible MLG replacement) would be covered by EADS SOCATA under warranty (both parts and labor). We have no way of determining the number of airplanes that would need this action.

**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 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 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.

**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 the NPRM, 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.

**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 FAA amends § 39.13 by adding the following new AD:

**2007–04–13 EADS SOCATA:** Amendment 39–14945; Docket No. FAA–2006–26235; Directorate Identifier 2006–CE–65–AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective March 23, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Model TBM 700 airplanes, serial numbers 1 through 9999, certificated in any category.

**Reason**

(d) The mandatory continuing airworthiness information (MCAI) states reports of cracks found on several main landing gear (MLG) cylinders. If not detected and corrected, fatigue cracks in the shock strut cylinder of the MLG could result in a collapsed MLG during takeoff or landing, and possible reduced structural integrity of the airplane.

**Actions and Compliance**

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

(1) As of March 23, 2007 (the effective date of this AD), for MLG with forging body totaling more than 1,750 landings but less than 3,501 landings since new:

(i) Inspect the forging body for cracks within 100 landings after March 23, 2007 (the effective date of this AD) in accordance with the accomplishment instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, ATA No. 32, dated January 2006.

(ii) If no cracks are detected, repetitively inspect thereafter every 175 landings.

(2) As of March 23, 2007 (the effective date of this AD), for MLG with forging body totaling more than 3,500 landings since new:

(i) Inspect the forging body for cracks within 25 landings after March 23, 2007 (the effective date of this AD) in accordance with the accomplishment instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, ATA No. 32, dated January 2006.

(ii) If no cracks are detected, repetitively inspect thereafter every 175 landings.

(3) If any cracks are detected during any inspection required in paragraph (e) of this AD:

(i) Before further flight, remove the affected landing gear leg and confirm the presence of the crack with dye penetrant inspection or fluorescent penetrant inspection.

(ii) If the crack is confirmed, before further flight, contact EADS SOCATA to coordinate the landing gear repair/replacement and then conform to any instruction stated by EADS SOCATA.

(4) If you do not know the number of landings, follow the instructions in the Compliance section of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, ATA No. 32, dated January 2006.

**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, Small Airplane Directorate, ATTN: Albert J. Mercado, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; 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 European Aviation Safety Agency (EASA) AD No. 2006–0085, dated April 12, 2006, for related information.

**Material Incorporated by Reference**

(h) You must use EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, ATA No. 32, dated January 2006, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact EADS SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62.41.73.00; fax: 33 (0)5 62.41.76.54.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on February 8, 2007.

**Kim Smith,**

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

[FR Doc. 07–670 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Document No. FAA–2007–27174; Directorate Identifier 2007–CE–006–AD; Amendment 39–14944; AD 2007–04–12]**

**RIN 2120–AA64**

## Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes

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

**ACTION:** Final rule; request for comments.

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

Inspection of a high time aircraft has revealed cracks in the Horizontal Stabiliser rear spar splice plate and inboard main ribs around the area of the Horizontal Stabiliser rear pivot attachment. Additionally, failure of some attach bolts in service may be due to improper assembly.

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** This AD becomes effective March 8, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 8, 2007.

We must receive comments on this AD by March 19, 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 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:** Doug Rudolph, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; 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 AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

**Discussion**

The Civil Aviation Safety Authority (CASA), which is the aviation authority for Australia, has issued CASA AD No. AD/GA8/5, Amdt 1, dated January 24, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Inspection of a high time aircraft has revealed cracks in the Horizontal Stabiliser rear spar splice plate and inboard main ribs around the area of the Horizontal Stabiliser rear pivot attachment. Additionally, failure of some attach bolts in service may be due to improper assembly.

The MCAI requires:

> This Airworthiness Directive addresses the problem using 5 separate inspections. The first is a brief daily external inspection. The other 4 inspections are a mixture of internal and external inspections as well as some parts replacement to be carried out at the next periodic inspection.

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

**Relevant Service Information**

Gippsland Aeronautics has issued Mandatory Service Bulletin SB–GA8–2002–02, Issue 4, dated January 4, 2007. 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 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 issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

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

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

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

**FAA's Determination of the Effective Date**

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of potential cracking of the horizontal stabilizer structure, which could lead to failure of the tailplane assembly. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–27174; Directorate Identifier 2007–CE–006–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

**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 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.

### 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 FAA amends § 39.13 by adding the following new AD:

**2007–04–12 Gippsland Aeronautics Pty. Ltd.:** Amendment 39–14944; Docket No. FAA–2007–27174; Directorate Identifier 2007–CE–006–AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective March 8, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all Model GA8 airplanes, serial numbers GA8–00–004 and up, certificated in any category.

**Subject**

(d) Air Transport Association of America (ATA) Code 55: Stabilizers.

**Reason**

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

Inspection of a high time aircraft has revealed cracks in the Horizontal Stabiliser rear spar splice plate and inboard main ribs around the area of the Horizontal Stabiliser rear pivot attachment. Additionally, failure of some attach bolts in service may be due to improper assembly.

**Actions and Compliance**

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

(1) Within the next 10 hours time-in-service (TIS) after March 8, 2007 (the effective date of this AD):

(i) For all aircraft not incorporating CNC machined elevator hinges, inspect and repair as required, the left and right horizontal stabilizer rear pivot attachment installation following instruction ''3. Rear Pivot Attachment Inspection,'' of Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2002–02, Issue 4, dated January 4, 2007; and,

(ii) For all aircraft replace the left and right rear attach bolt following instruction ''5. Rear Attach Bolt Replacement,'' of Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2002–02, Issue 4, dated January 4, 2007.

(2) Within the next 10 hours TIS after March 8, 2007 (the effective date of this AD); and repetitively thereafter at intervals not to exceed 100 hours TIS or 12 months, whichever occurs first, for all aircraft:

(i) Inspect the horizontal stabilizer externally following instruction ''2. External Inspection (Lower flange, Stabilizer rear spar),'' of Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2002–02, Issue 4, dated January 4, 2007; and

(ii) Inspect the horizontal stabilizer internally following instruction ''4. Internal Inspection,'' of Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2002–02, Issue 4, dated January 4, 2007.

(3) Before further flight, if during the inspection required by paragraph (f)(2) of this AD any excessive local deflection or movement of the lower skin surrounding the lower pivot attachment, cracking, or working (loose) rivet is found, obtain an FAA-approved repair scheme from the manufacturer and incorporate this repair scheme. Continued operational flight with un-repaired crack damage is not permitted.

**FAA AD Differences**

**Note:** This AD differs from the MCAI and/or service information as follows:

(1) ''Requirement: 1. Daily Inspection (Stabiliser attach bolt)'' of the MCAI requires a daily inspection of the stabilizer attach bolt. The daily inspection is not a requirement of this AD. Instead of the daily inspection, we require you to perform, within 10 hours TIS, ''Requirement 3. Rear Pivot Attachment Inspection'' and ''Requirement 5. Rear Attachment Bolt Replacement'' of the MCAI. Compliance with requirement 3. and 5. is a terminating action for the daily inspection, and we are requiring these within 10 hours TIS after the effective date of this AD.

(2) ''Requirement: 2. External Inspection (Lower flange, Stabiliser rear spar)'' of the MCAI does not specify any action if excessive local deflection or movement of lower skin, cracking, or working (loose) rivet is found. We require obtaining and incorporating an FAA-approved repair scheme from the manufacturer before further flight.

(3) The MCAI does not state if further flight with known cracks is allowed. FAA policy is to not allow further flight with known cracks in critical structure. We require that if any cracks are found when accomplishing the inspection required in paragraph (f)(2) of this AD, you must repair the cracks before further flight.

**Other FAA AD Provisions**

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, ACE–112, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; 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**

(h) Refer to MCAI CASA AD No. AD/GA8/5, Amdt 1, dated January 24, 2007; and Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2002–02, Issue 4, dated January 4, 2007, for related information.

**Material Incorporated by Reference**

(i) You must use Gippsland Aeronautics Mandatory Service Bulletin SB–GA8–2002–02, Issue 4, dated January 4, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Gippsland Aeronautics, Attn: Technical Services, P.O. Box 881, Morwell Victoria 3840, Australia; fax: +61 03 5172 1201; Internet: *http://www.gippsaero.com*.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Kansas City, Missouri, on February 6, 2007.

**Kim Smith,**

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

[FR Doc. E7–2516 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 2003–CE–51–AD; Amendment 39–13857; AD 2004–23–02]**

**RIN 2120–AA64**

### Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, and 1900 Series Airplanes, and Models 70 and 300 Airplanes

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a correction to Airworthiness Directive (AD) 2004–23–02, which was published in the **Federal Register** on November 9, 2004 (69 FR 64842), and applies to all Raytheon Aircraft Company (Raytheon) 65, 90, 99, 100, 200, and 1900 series airplanes and Models 70 and 300 airplanes. AD 2004–23–2 requires repetitive inspections of the nose landing gear (NLG) fork for cracks with replacement if cracks are found (replacement terminates repetitive inspections). Current language in paragraph (e)(3) of AD 2004–23–02 references Part III of the Accomplishment Instructions of the service bulletin instead of Part II. This document corrects that paragraph by changing the reference from Part III to Part II.

**DATES:** The effective date of this AD (2004–23–02) remains December 23, 2004.

**FOR FURTHER INFORMATION CONTACT:** Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4407.

**SUPPLEMENTARY INFORMATION:**

#### Discussion

On November 1, 2004, the FAA issued AD 2004–23–02, Amendment 39–13857 (69 FR 64842, November 9, 2004), which applies to all 65, 90, 99, 100, 200, and 1900 series airplanes and Models 70 and 300 airplanes. AD 2004–23–2 requires repetitive inspections of the NLG fork for cracks with replacement if cracks are found (replacement terminates repetitive inspections). Current language in paragraph (e)(3) of AD 2004–23–02 references Part III of the Accomplishment Instructions of Raytheon Mandatory Service Bulletin SB 32–2102, Revision 7, Revised: July, 2003, instead of Part II.

#### Need for the Correction

This correction is needed to specify the correct section of the service bulletin necessary to do the actions of AD 2004–23–02.

#### Correction of Publication

■ Accordingly, the publication of November 9, 2004 (69 FR 64842), of Amendment 39–13857, AD 2004–23–02, which was the subject of FR Doc. 04–24718, is corrected 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 [Corrected]**

■ 2. On page 64845, in § 39.13 [Amended], in paragraph (e)(3), in the Procedures column, remove the phrase ''Part III'' and add ''Part II'' in its place.

Action is taken herein to correct this reference in AD 2004–23–02 and to add this AD correction to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The effective date remains December 23, 2004.

Issued in Kansas City, Missouri, on February 9, 2007.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E7–2754 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

**[CGD08–07–002]**

**RIN 1625–AA09**

### Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operations of the Rock Island Railroad and Highway Drawbridge, Mile 482.9, Rock Island, Illinois across the Upper Mississippi River. This deviation allows the bridge to remain closed-to-navigation from 9 a.m. until 11:30 a.m., May 19, 2007. The deviation is necessary as the drawbridge is part of the annual route for the Quad Cities Heart Walk.

**DATES:** This temporary deviation is effective from 9 a.m. until 11:30 a.m., May 19, 2007.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, Bridge Administrator, (314) 269–2378.

**SUPPLEMENTARY INFORMATION:** The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, mile 482.9, at Rock Island, Illinois across the Upper Mississippi River as the drawbridge is along the route of the annual Quad Cities Heart Walk. The Rock Island Railroad and Highway Drawbridge currently operates in accordance with 33 CFR 117.5 which requires the drawbridge to open promptly and fully for passage of vessels when a request to open is given in accordance with 33 CFR 117, Subpart A. In order to facilitate the annual event, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the drawbridge to remain closed-to-navigation for two and one-half hours from 9 a.m. until 11:30 a.m., May 19, 2007.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 23.8 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge shall return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 1, 2007.

**Roger K. Wiebusch,**

*Bridge Administrator.*

[FR Doc. E7–2795 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–15–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

**[CGD08–07–003]**

**RIN 1625–AA09**

## Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operations of the Rock Island Railroad and Highway Drawbridge, Mile 482.9, Rock Island, Illinois across the Upper Mississippi River. This deviation allows the bridge to remain closed-to-navigation from 7:30 a.m. until 11:30 a.m., September 23, 2007. The deviation is necessary as the drawbridge is part of the annual route for the Quad City Marathon.

**DATES:** This temporary deviation is effective from 7:30 a.m. until 11:30 a.m., September 23, 2007.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, Bridge Administrator, (314) 269–2378.

**SUPPLEMENTARY INFORMATION:** The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, mile 482.9, at Rock Island, Illinois across the Upper Mississippi River as the drawbridge is along the route of the annual Quad City Marathon. The Rock Island Railroad and Highway Drawbridge currently operates in accordance with 33 CFR 117.5 which requires the drawbridge to open promptly and fully for passage of vessels when a request to open is given in accordance with 33 CFR 117, Subpart A. In order to facilitate the annual event, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the drawbridge to remain closed-to-navigation for four hours from 7:30 a.m. until 11:30 a.m., September 23, 2007.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 23.8 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge shall return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 1, 2007.

**Roger K. Wiebusch,**

*Bridge Administrator.*

[FR Doc. E7–2796 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–15–P

# Proposed Rules

Federal Register
Vol. 72, No. 32
Friday, February 16, 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 ENERGY

### Federal Energy Regulatory Commission

### 18 CFR 2, 33, 365, and 366

**[Docket No. AD07–2–000]**

### Technical Conference on Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005; Notice of Technical Conference

February 9, 2007.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Technical Conference.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is holding a technical conference on March 8, 2007, to discuss certain issues raised in rulemakings issued in Commission Docket Nos. RM05–32–000 and RM05–34–000. This is the second conference being held as a follow-up to Commission Order Nos. 667 and No. 669. The Commission is now soliciting nominations for speakers at the technical conference.

**DATES:** Nominations must be made on or before: February 15, 2007.

**FOR FURTHER INFORMATION CONTACT:** Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8004, *sarah.mckinley@ferc.gov.*

**SUPPLEMENTARY INFORMATION:** This conference addresses certain issues raised in rulemakings issued in Docket No. RM05–32–000 (70 FR 75592, December 20, 2005) and Docket No. RM05–34–000 (71 FR 1348, January 6, 2006).

### Technical Conference on Public Utility Holding Company Act of 2005 and Federal Power Act Section 203 Issues

February 9, 2007.

Take notice that on March 8, 2007, a technical conference will be held at the Federal Energy Regulatory Commission to discuss certain issues raised in rulemakings issued in Docket Nos. RM05–32 and RM05–34. This is the second technical conference [1] being held as a follow-up to the Commission's Orders No. 667 and No. 669.[2] The technical conference will be held from approximately 9 a.m. to 4 p.m. (EST) at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in the Commission Meeting Room. Commissioners are expected to attend. All interested persons are invited to attend, and registration is not required.

The subject of this technical conference is whether the Commission's current merger policy should be revised, in particular whether the Commission's Appendix A analysis is sufficient to identify market power concerns in today's electric industry market environment. A further notice with a detailed agenda will be issued in advance of the conference.

The Commission is now soliciting nominations for speakers at the technical conference. Persons wishing to nominate themselves as speakers should do so using this electronic link: *https://www.ferc.gov/whats-new/registration/puhca-03-08-speaker-form.asp.* Such nominations must be made before the close of business, Thursday, February 15, 2007, so that an agenda for the technical conference can be drafted and published.

Transcripts of the conference will be immediately available from Ace Reporting Company (202–347–3700 or 1–800–336–6646) for a fee. They will be available for the public on the Commission's eLibrary system seven calendar days after FERC receives the transcript.

A free webcast of this event will be available through *http://www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Perkowski or David Reininger at 703–993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, (202) 502–8004, *sarah.mckinley@ferc.gov.*

**Magalie R. Salas,**
*Secretary.*

[FR Doc. E7–2707 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

[1] The first technical conference was held on December 7, 2006, and primarily focused on matters pertaining to cross subsidization; cash management programs and money pools; and exemptions, waivers and blanket authorizations set forth in Order Nos. 667 and 669.

[2] Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005, Order No. 667, FERC Stats. & Regs. ¶ 31,197 (2005), order on reh'g, Order No. 667–A, FERC Stats. & Regs. ¶ 31,213, order on reh'g, Order No. 667–B, FERC Stats. & Regs. ¶ 31,224 (2006), reh'g pending; Transactions Subject to FPA Section 203, Order No. 669, FERC Stats. & Regs. ¶ 31,200 (2006), order on reh'g, Order No. 669–A, FERC Stats. Regs. ¶ 31,214 (2006), order on reh'g, Order No. 669–B, FERC Stats. & Regs. ¶ 31,225 (2006).

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### 37 CFR Part 1

**[Docket No. PTO–C–2006–0057]**

**RIN 0651–AC09**

### April 2007 Revision of Patent Cooperation Treaty Procedures

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) is proposing to amend the rules of practice in title 37 of the Code of Federal Regulations (CFR) to conform them to certain amendments made to the Regulations under the Patent Cooperation Treaty (PCT) that will take effect on April 1, 2007. These amendments will result in the addition of a mechanism to the PCT system whereby applicants may request that the

right to claim priority be restored in applications that meet certain requirements. In addition, these amendments will provide a means for applicants to insert a missing portion of an international application without the loss of the international filing date. These amendments also will clarify the circumstances and procedures under which the correction of an obvious mistake may be made in an international application. Finally, the Office is proposing to revise the search fee for international applications.

*Comment Deadline Date:* Written comments must be received on or before March 19, 2007. No public hearing will be held.

**ADDRESSES:** Comments should be sent by electronic mail message via the Internet addressed to: *AC9.comments@uspto.gov.* Comments may also be submitted by mail addressed to: Mail Stop Comments-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450, or by facsimile to (571) 273–0459, marked to the attention of Mr. Richard Cole. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the Office Internet Web site (address: *http://www.uspto.gov*). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Richard R. Cole, Legal Examiner, Office of PCT Legal Administration (OPCTLA) directly by telephone at (571) 272–3281, or by facsimile at (571) 273–0459.

**SUPPLEMENTARY INFORMATION:** During the September-October 2005 meeting of the Governing Bodies of the World Intellectual Property Organization (WIPO), the PCT Assembly adopted various amendments to the Regulations under the PCT that enter into force on April 1, 2007. The amended PCT Regulations were published in the PCT Gazette of February 23, 2006 (08/2006), in section IV, at pages 5496–5541. The purposes of these amendments are to: (1) Bring the provisions of the PCT into closer alignment with the provisions of the Patent Law Treaty (PLT); and (2) clarify the circumstances and procedures under which the correction of an obvious mistake may be made in an international application.

*Alignment with the PLT:* The PLT provides for: (1) Restoration of applicant's right to claim priority under certain situations (PLT Article 13(2)); (2) insertion of a missing portion of an application without the loss of the filing date (PLT Article 5(6)); and (3) substitution of the description and drawings upon filing with a reference to a previously filed application (PLT Article 5(7)). The present amendments to the PCT Regulations will provide similar mechanisms for applicants using the PCT system.

With regard to restoration of applicant's right to claim priority under certain situations (PLT Article 13(2)), PCT Rule 26*bis* has been amended to provide for the restoration of the right to claim priority in international applications which have been filed between twelve and fourteen months after the priority date and in which the delay in filing the international application was either in spite of due care or unintentional. It must be noted that PCT Rule 49*ter* provides for designated Offices whose national law is incompatible with the PCT provisions concerning restoration of the right of priority to take a reservation with respect to the effects of this provision on national applications. The United States has taken this reservation pending passage of legislation that would implement the PLT in the United States. Therefore, any restoration of a right of priority by the United States Receiving Office under this section, or by any other Receiving Office under the provisions of PCT Rule 26*bis*.3, will not entitle applicants to a right of priority in any application which has entered the national stage under 35 U.S.C. 371, or in any application filed under 35 U.S.C. 111(a) which claims benefit under 35 U.S.C. 120 and 365(c) to an international application in which the right of priority has been restored. Whether or not applicant is entitled to the right of priority continues to be governed by whether applicant has satisfied the provisions of 35 U.S.C. 119, 120, and 365.

It must also be noted that even though restoration of such a right will not entitle applicant to the right of priority in a subsequent United States application, the priority date will still govern all PCT time limits, including the thirty-month period for filing national stage papers and fees under 37 CFR 1.495. PCT Article 2(ix), which defines ''priority date'' for purposes of computing time limits, contains no limitation that the priority claim be valid. Thus, for example, in an international application containing an earliest priority claim to a German application filed thirteen months prior to the filing date of the international application, the filing date of the German application will be used as the basis for computing time limits under the PCT, including the thirty-month time period set forth in 37 CFR 1.495 to submit the basic national fee (§ 1.492(a)) to avoid abandonment, even though applicant would not be entitled to priority to the German application in the United States national phase since the German application was filed more than twelve months from the international filing date. *See* 35 U.S.C. 119(a) and 365(b).

Concerning insertion of a missing portion of an application without the loss of the filing date (PLT Article 5(6)) and substitution of the description and drawings upon filing with a reference to a previously filed application, these provisions could not be implemented to the extent provided in the PLT absent amendment of the PCT Articles. However, similar provisions have been made in the PCT by amending PCT Rules 4 and 20 to allow for the inclusion of an incorporation by reference statement on the PCT Request form. Applicants may then rely on this statement to insert portions of the international application (including the entire description, claims, and/or drawings) which were missing upon the international filing date. 37 CFR 1.412(c)(1) already provides that the USPTO, in its capacity as a PCT Receiving Office, will accord international filing dates in accordance with PCT Rule 20. Therefore, no change to the rules of practice in title 37 CFR is necessary to implement these provisions, other than the deletion of 37 CFR 1.437(b) due to the fact that missing drawings are no longer handled in a manner different from the description and claims.

**Discussion of Specific Rules**

Title 37 of the Code of Federal Regulations, part 1, is proposed to be amended as follows:

*Section 1.17:* Section 1.17(t) is proposed to be amended to set forth the fee for requesting restoration of the right of priority.

*Section 1.57:* Section 1.57(a)(2) is proposed to be amended to reflect that omitted portions of international applications, which applicant desires to be effective in other designated States, must be submitted in accordance with PCT Rule 20.

*Section 1.437:* Section 1.437(a) is proposed to be amended for clarity and to remove inaccurate language currently

present in the paragraph. Section 1.437(b) is proposed to be deleted to reflect the fact that missing drawings will no longer be treated differently from missing parts of the description or claims. Section 1.437(c) is proposed to be redesignated as § 1.437(b).

*Section 1.445:* Section 1.445(a) is proposed to be amended to set a search fee that more accurately reflects the cost of conducting a search and preparing a Chapter I written opinion in an international application. The Activity-Based-Cost analysis for the search and preparation of search and preparing Chapter I written opinions for international applications reveals that the average cost of this activity is over $1,800.00. Therefore, the Office is proposing to revise § 1.445(a) to provide for a search fee (and supplemental search fee) of $1,800.00. In addition, the Office is proposing to revise § 1.445(a) to provide that this $1,800.00 search fee is applicable, regardless of whether there is a corresponding prior nonprovisional application under 35 U.S.C. 111(a), a corresponding prior provisional application under 35 U.S.C. 111(b), or no corresponding prior provisional or nonprovisional application under 35 U.S.C. 111. The Office currently provides a reduced search fee if there is a corresponding prior nonprovisional application under 35 U.S.C. 111(a) and such application is adequately identified in the international application or accompanying papers at the time of filing the international application. The current backlog of applications under 35 U.S.C. 111(a) awaiting examination is such that it is no longer deemed appropriate to provide a reduced fee or other incentive for applicants to file an application under 35 U.S.C. 111(a) prior to or essentially parallel with the filing of an international application.

*Section 1.452:* Section 1.452 is proposed to be added to provide for restoration of the right of priority in international applications (subject to the enumerated conditions and limitations).

Section 1.452(a) provides that applicants may request restoration of the right of priority if the international application was filed within fourteen months from the priority date and the delay in filing the international application was unintentional.

Section 1.452(b) provides that any request for restoration must be filed within fourteen months from the priority date and must be accompanied by: (1) A notice adding the priority claim, if applicable; (2) the requisite fee; and (3) a statement that the entire delay was unintentional.

Section 1.452(c) provides that, in cases where applicant has requested early publication, the requirements under § 1.452(b) must be submitted prior to completion of the technical preparations for international publication.

Section 1.452(d) sets forth that restoration of a priority claim by the United States Receiving Office under this section, or by any other Receiving Office under the provisions of PCT Rule 26*bis*.3, will not entitle applicants to a right of priority in any application which has entered the national stage under 35 U.S.C. 371, or in any application filed under 35 U.S.C. 111(a) which claims benefit under 35 U.S.C. 120 and 365(c) to an international application in which the right to priority has been restored.

*Section 1.465:* Section 1.465(b) is proposed to be amended for clarity and to remove the limitation that the priority claim must be ''valid'' in order to be used as the basis for computing time limits under the PCT.

Section 1.465(c) is proposed to be deleted as unnecessary, as the obligation of the United States Receiving Office to proceed under PCT Rule 26*bis*.2 arises under 35 U.S.C. 361. In addition, reference to Rule 20.2(a)(i) or (iii) is no longer appropriate in view of the amendments to PCT Rule 20.

**Rule Making Considerations**

*Regulatory Flexibility Act:* For the reasons set forth herein, the Deputy General Counsel for General Law of the United States Patent and Trademark Office has certified to the Chief Counsel for Advocacy of the Small Business Administration that the changes proposed in this notice (if adopted) will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b). The significant changes proposed in this notice are: (1) Provisions for a restoration of a right of priority in certain limited situations; and (2) an adjustment of the search and supplemental search fee to more accurately reflect the cost of conducting a search and preparing a Chapter I written opinion in an international application.

The PCT enables United States applicants to file one application (an international or PCT application) in a standardized format in English in the United States Receiving Office (the United States Patent and Trademark Office) and have that application acknowledged as a regular national or regional filing in as many PCT Contracting States as the applicants desire to seek patent protection. *See* Manual of Patent Examining Procedure (MPEP) 1801. The primary benefit of the PCT system is the ability to delay the expense of submitting papers and fees to the PCT national offices. *See* MPEP 1881.

35 U.S.C. 376(b) provides that the Director shall prescribe the amount of the search fee, the supplemental search fee, and such other fees as established by the Director. Pursuant to the authority in 35 U.S.C. 376(b), this notice proposes to adjust the search fee in § 1.445(b)(2)(iii) and the supplemental search fee in § 1.445(b)(3) from $1,000.00 to $1,800.00 (an increase of $800.00). This proposed adjustment to the search fee and supplemental search fee is to make these fees more accurately reflect the cost of conducting a search and preparing a Chapter I written opinion in an international application.

The PCT does not preclude United States applicants from filing patent applications directly in the patent offices of those countries which are Contracting States of the PCT (with or without previously having filed a regular national application under 35 U.S.C. 111(a) or 111(b) in the United States) and taking advantage of the priority rights and other advantages provided under the Paris Convention and the World Trade Organization (WTO) administered Agreement on Trade-Related Aspects of Intellectual Property (TRIPs Agreement). *See* MPEP 1801. That is, the PCT is not the exclusive mechanism for seeking patent protection in foreign countries, but is instead simply an optional alternative route available to United States patent applicants for seeking patent protection in those countries that are Contracting States of the PCT. *See id.*

In addition, an applicant filing an international application under the PCT in the United States Receiving Office (the United States Patent and Trademark Office) is not required to use the United States Patent and Trademark Office as the International Searching Authority. The European Patent Office (except for applications containing business method claims) or the Korean Intellectual Property Office may be elected as the International Searching Authority for international applications filed in the United States Receiving Office. The applicable search fee if the European Patent Office is elected as the International Searching Authority European is $2,059.00 (set by the European Patent Office), and the applicable search fee if the Korean Intellectual Property Office is elected as the International Searching Authority is $232.00 (set by the Korean Intellectual Property Office).

In 2003, the Government Accountability Office (GAO) released a report containing the results of a survey of an expert panel of patent law attorneys concerning small businesses considering foreign patent protection with respect to the ''cradle to grave'' costs of foreign patent protection. *See Experts'' Advice for Small Businesses Seeking Foreign Patents,* GAO–03–910 (2003). The GAO concluded that the cost of obtaining and maintaining foreign patents to be in the range of $160,000 to $330,000. *See Id.* at 41.

Therefore, the international search fee increase of $800.00 is not significant in comparison to the overall costs that a small entity must incur to obtain international patent protection. In addition, filing an international application under the PCT is an optional route for an applicant seeking foreign patent protection, and an applicant who does not choose to seek foreign patent protection by filing an international application under the PCT in the United States Receiving Office (the United States Patent and Trademark Office) is not required to use the United States Patent and Trademark Office as the International Searching Authority.

Pursuant to the authority in 35 U.S.C. 376(b), this notice proposes to eliminate the reduced search fee in § 1.445(b)(2)(i) or (ii) when there is a corresponding prior nonprovisional application under 35 U.S.C. 111(a) and thereby adjusting the search fee in the situation in which there is a corresponding prior nonprovisional application under 35 U.S.C. 111(a) from $300.00 to $1,800.00 (an increase of $1,500.00). As discussed previously, this proposed adjustment to the search fee is to make these fees more accurately reflect the cost of conducting a search and preparing a Chapter I written opinion in an international application. An applicant has the option of filing a provisional application under 35 U.S.C. 111(b) (rather than a nonprovisional application under 35 U.S.C. 111(a)) or not filing a prior application before filing an international application. These alternatives are available at a lower overall cost in patent fees (even with the proposed adjustment in the search fee) than the cost in patent fees of filing a nonprovisional application under 35 U.S.C. 111(a) before filing an international application. This is the case even taking into account the current reduced search fee for there being a corresponding prior nonprovisional application under 35 U.S.C. 111(a).

Pursuant to the authority in 35 U.S.C. 376(b), this notice proposes to establish a fee for filing a request for the restoration of the right of priority of $1,370.00. This fee amount is identical to the fee amount for petitions to accept an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) (37 CFR 1.55 and 1.78). In addition, the Office anticipates that very few applicants will file a request for the restoration of the right of priority (about 100 each year, in comparison to the over 45,000 international applications filed in the United States Receiving Office each year).

For the reasons stated previously, the changes proposed in this notice (if adopted) will not have a significant economic impact on a substantial number of small entities.

*Executive Order 13132:* This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

*Executive Order 12866:* This rule making has been determined to be significant for purposes of Executive Order 12866 (Sept. 30, 1993).

*Paperwork Reduction Act:* This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and approved by OMB under OMB control number 0651–0021. The United States Patent and Trademark Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this notice do not affect the information collection requirements associated with the information collection under OMB control number 0651–0021.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for the Patent and Trademark Office; and (2) Robert A. Clarke, Deputy Director, Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

**List of Subjects in 37 CFR Part 1**

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR Part 1 is proposed to be amended as follows:

## PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 continues to read as follows:

**Authority:** 35 U.S.C. 2(b)(2).

2. Section 1.17 is amended by revising paragraph (t) to read as follows:

### § 1.17 Patent application and reexamination processing fees.

* * * * *

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) (§§ 1.55 and 1.78) or for filing a request for the restoration of the right of priority under § 1.452—$1,370.00.

3. Section 1.57 is amended by revising paragraph (a)(2) to read as follows:

### § 1.57 Incorporation by reference.

(a) * * *

(2) Any amendment to an international application pursuant to this paragraph shall be effective only as to the United States, and shall have no effect on the international filing date of the application. In addition, no request under this section to add the inadvertently omitted portion of the specification or drawings in an international application designating the United States will be acted upon by the Office prior to the entry and commencement of the national stage (§ 1.491) or the filing of an application under 35 U.S.C. 111(a) which claims benefit of the international application. Any omitted portion of the international application which applicant desires to be effective as to all designated States, subject to PCT Rule 20.8(b), must be submitted in accordance with PCT Rule 20.

* * * * *

4. Section 1.437 is revised to read as follows:

### § 1.437 The drawings.

(a) Drawings are required when they are necessary for the understanding of the invention (PCT Art. 7).

(b) The physical requirements for drawings are set forth in PCT Rule 11 and shall be adhered to.

5. Section 1.445 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

**§ 1.445 International application filing, processing and search fees.**

(a) * * *

(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16)—$1,800.00

(3) A supplemental search fee when required, per additional invention—$1,800.00.

* * * * *

6. Section 1.452 is added to read as follows:

**§ 1.452 Restoration of right of priority.**

(a) If the international application has an international filing date which is later than twelve months from the priority date but within the period of fourteen months from the priority date, the right of priority in the international application may be restored upon request if the delay in filing the international application within the period of twelve months from the priority date was unintentional.

(b) A request to restore the right of priority in an international application under paragraph (a) must be filed not later than fourteen months from the priority date and must include:

(1) A notice under PCT Rule 26*bis*.1(a) adding the priority claim, if the priority claim in respect of the earlier application is not contained in the international application;

(2) The fee set forth in § 1.17(t); and

(3) A statement that the entire delay was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

(c) If the applicant makes a request for early publication under PCT Article 21(2)(b), any requirement under paragraph (b) of this section filed after the technical preparations for international publication have been completed by the International Bureau shall be considered as not having been submitted in time.

(d) Restoration of a right of priority to a prior application by the United States Receiving Office under this section, or by any other Receiving Office under the provisions of PCT Rule 26*bis*.3, will not entitle applicants to a right of priority in any application which has entered the national stage under 35 U.S.C. 371, or in any application filed under 35 U.S.C. 111(a) which claims benefit under 35 U.S.C. 120 and 365(c) to an international application in which the right to priority has been restored.

7. Section 1.465 is amended by revising paragraph (b) to read as follows:

**§ 1.465 Timing of application processing based on the priority date.**

* * * * *

(b) When a claimed priority date is corrected under PCT Rule 26*bis*.1(a), or a priority claim is added under PCT Rule 26*bis*.1(a), withdrawn under PCT Rule 90*bis*.3, or considered not to have been made under PCT Rule 26*bis*.2, the priority date for the purposes of computing any non-expired time limits will be the filing date of the earliest remaining priority claim under PCT Article 8 of the international application, or if none, the international filing date.

* * * * *

Dated: February 12, 2007.

**Jon W. Dudas,**

*Under Secretary of Commerce for Intellectual Property, and Director of the United States Patent and Trademark Office.*

[FR Doc. E7–2761 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–16–P

## POSTAL SERVICE

## 39 CFR Part 111

## Revised Standards for Mailing Adult Fowl

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service proposes new requirements for containers used for mailing adult chickens. Currently, we require all mailable adult fowl other than chickens to be mailed in containers approved by the manager of Mailing Standards. With this proposal, we intend to require adult chickens to be mailed in approved containers also.

**DATES:** We must receive your comments on or before March 19, 2007.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 3436, Washington, DC 20260–3436. You may inspect and photocopy all written comments at Postal Service Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Bert Olsen, 202–268–7276.

**SUPPLEMENTARY INFORMATION:** To promote the safety of Postal Service employees, customers, and all mailed adult fowl, we propose to revise our requirements for containers used for mailing adult chickens. Current mailing standards permit adult chickens to be mailed in containers that pass basic package performance tests. By contrast, other adult fowl (such as turkeys, guinea fowl, doves, pigeons, pheasants, partridges, and quail) must be mailed in containers approved by the manager of Mailing Standards. The container standards for other adult fowl are more stringent than the standards for adult chickens. Because there is no compelling reason to treat adult chickens differently from other adult fowl, the revised standards will require adult chickens to be mailed in the same containers approved by Mailing Standards for use with other adult fowl.

Vendors who wish to submit a container for USPS approval can contact the office of Mailing Standards for a list of container criteria. Additionally, the term ''biologically secure'' has been replaced by the word ''secure'' to eliminate any implication that such packaging will completely prevent the spread of disease during handling.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. of 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comment on the following proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

## PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), as follows:

**600 Basic Standards for All Mailing Services**

**601 Mailability**

* * * * *

**9.0 Perishables**

* * * * *

*9.3 Live Animals*

* * * * *

9.3.4 Adult Fowl

[Revise 9.3.4 as follows:]

Disease-free adult fowl are mailable domestically when shipped under

applicable law in accordance with 601.1.7. Adult chickens, turkeys, guinea fowl, doves, pigeons, pheasants, partridges, and quail as well as ducks, geese, and swans are mailable as follows:

a. The mailer must send adult fowl by Express Mail in secure containers approved by the manager of Mailing Standards (see 608.8.0 for address).

b. The number of birds per parcel must follow the container manufacturer limits and each bird must weigh more than 6 ounces.

c. Indemnity may be paid only for loss, damage, or rifling, and not for death of the birds in transit if there is no visible damage to the mailing container.

[Delete 9.3.5, Adult Chickens, and renumber 9.3.6 through 9.3.13 as new 9.3.5 through 9.3.12.]

* * * * *

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes if our proposal is adopted.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. E7–2817 Filed 2–15–07; 8:45 am]

**BILLING CODE 7710–12–P**

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## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 2, 3, and 52

**[FAR Case 2006–007; Docket 2007–0001; Sequence 1]**

**RIN 9000–AK67**

## Federal Acquisition Regulation; FAR Case 2006–007, Contractor Code of Ethics and Business Conduct

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to address Contractor Code of Ethics and Business Conduct and the display of Federal agency Office of the Inspector General (OIG) Fraud Hotline Poster.

**DATES:** Interested parties should submit written comments to the FAR Secretariat on or before April 17, 2007 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR case 2006–007 by any of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*.Search for any document by first selecting the proper document types and selecting ''Federal Acquisition Regulation'' as the agency of choice. At the ''Keyword'' prompt, type in the FAR case number (for example, FAR Case 2006–007) and click on the ''Submit'' button. Please include any personal and/or business information inside the document.You may also search for any document by clicking on the ''Advanced search/document search'' tab at the top of the screen, selecting from the agency field ''Federal Acquisition Regulation'', and typing the FAR case number in the keyword field. Select the ''Submit'' button.

• Fax: 202–501–4067.

• Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

*Instructions:* Please submit comments only and cite FAR case 2006–007 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAR case 2006–007.

**SUPPLEMENTARY INFORMATION:**

### A. Background

FAR Part 3 provides guidance on improper business practices and personal conflicts of interest, but it does not discuss the contractor's responsibilities with regard to code of ethics and business conduct and the avoidance of improper business practices. Currently, three agencies (the Departments of Defense, Veterans Affairs, and the Environmental Protection Agency) maintain policy for contractor code of ethics and business conduct and the contractor's responsibility to avoid improper business practices. With few exceptions, the agencies' clauses and prescriptions are very similar to one another, in that they– establish agency policy and recommend contents of a contractor's system of management and internal controls in connection with Government contracts; establish contract dollar thresholds for display of the agency Inspector General poster; provide instructions for obtaining the hotline posters; and provide exemptions to displaying posters. However, the agencies' policies differ on the contract dollar thresholds and the address and phone number of the Office of the Inspector General (OIG) to obtain a fraud hotline poster.

In view of the significant sums of Federal dollars spent by agencies to acquire goods and services, this rule establishes a clear and consistent policy regarding contractor code of ethics and business conduct, responsibility to avoid improper business practices, and procedures for displaying an agency OIG Fraud Hotline poster to facilitate the reporting of wrongdoing in Federal contracting. This rule also recognizes the need for agencies to cooperate with the Department of Homeland Security to ensure that contracts funded with disaster assistance funds require display of any event-specific fraud hotline posters announcing ad hoc or other special hotline reporting information applicable to the specific contract. This rule proposes amending the FAR to add FAR Subpart 3.10, Contractor Code of Ethics and Business Conduct, that will—

1. Define the ''*United States*'' to mean the 50 States, the District of Columbia and outlying areas as used in FAR 25.003, and exclude contracts performed outside the United States from the requirements of the rule.

2. Include policy stating that contractors ''*should*'' have a code of ethics and business conduct.

3. Exclude commercial item contracts awardedpursuant to FAR Part 12 from the requirements of the rule, because the rule will not implement statute or executive order, and because ethics programs and hotline posters are not standard commercial practices as stipulated by the Federal Acquisition Streamlining Act.

4. Provide that contractors receiving awards inexcess of $5,000,000 that have performance periods of 120 days or more, shall have a written code of ethics and business conduct within 30 days after contract award. Furthermore, the contractor shall promote compliance by establishing, within 90 days after contract award, an employee ethics and compliance training program and an internal control system proportionate to the size of the company and extent of its business with the Federal Government.

5. Provide that contractors receiving awards inexcess of $5,000,000 shall

display the agency OIG fraud hotline poster and, when appropriate, any special disaster relief poster from Department of Homeland Security, at work locations in the United States and at the company website if the contractor has established a company website for the purposes of providing information to employees.

6. Provide alternates to the basic clause to accommodate those agencies that do not have posters and to accommodate agencies that choose to require the display of a fraud hotline poster at contract award thresholds at or below $5,000,000.

7. Include a flowdown provision that applies tosubcontracts at the same dollar level as the prime contract.

8. Provide for remedies if the contractor fails to comply with the clause.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule does not require contractors to have a written code of ethics and business conduct, employee ethics and compliance training program, or internal control system for contracts valued at $5 million or less; and provides that when such programs are required, they shall be suitable to the size of the company and the extent of the company's business with the Federal Government. Under the rule, contractors have the ability to determine the simplicity or complexity and cost of their programs.

An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Parts 2, 3, and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2006–007), in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Parts 2, 3, and 52**

Government procurement.

Dated:February 7, 2007.

**Ralph De Stefano,**

*Director, Contract Policy Division.*

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 2, 3, and 52 as set forth below:

1. The authority citation for 48 CFR parts 2, 3, and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

## PART 2 — DEFINITIONS OF WORDS AND TERMS

2. Amend section 2.101 in paragraph (b), in the definition ''United States,'' by redesignating paragraphs (1) through (6) as paragraphs(2) through)(7), respectively, and adding a new paragraph (1) to read as follows:

### 2.101 Definitions.

* * * * *

(b)* * *

''United States,'' when used in a geographic sense, means the 50 States and the District of Columbia, except as follows:

(1) For use in Subpart 3.10, see the definition at 3.1001.

* * * * *

## PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. Add Subpart 3.10 to read as follows:

Sec.
3.1000 Scope of subpart.
3.1001 Definitions.
3.1002 Policy.
3.1003 Procedures.
3.1004 Contract clause.

## Subpart 3.10—Contractor Code of Ethics and Business Conduct

### 3.1000 Scope of subpart.

This subpart prescribes policies and procedures for the establishment of contractor code of ethics and business conduct, and display of agency Office of Inspector General (OIG) fraud hotline posters.

### 3.1001 Definitions.

''United States,''as used in this subpart, means the 50 States, the District of Columbia, and outlying areas.

### 3.1002 Policy.

Government contractors must conduct themselves with the highest degree of integrity and honesty. Contractors should have a written code of ethics and business conduct. To promote compliance with such code of ethics and business conduct, contractors should have an employee ethics and compliance training program and an internal control system that–

(a) Are suitable to the size of the company and extent of its involvement in Government contracting;

(b) Facilitate timely discovery and disclosure of improper conduct in connection with Government contracts; and

(c) Ensure corrective measures are promptly instituted and carried out.

### 3.1003 Procedures.

Contracting officers shall ensure that the requirements of this subpart are implemented using the following procedures:

(a) *Exceptions.* Commercial item contracts performed under Part 12 or performed outside the United States do not apply to this subpart and are not required to —

(1) Have an employee ethics and compliance training program and internal control systems; or

(2) Have the contractor display the fraud poster.

(b) *Contracts exceeding $5,000,000.*

(1) Contracts exceeding $5,000,000 shall require the contractor to—

(i) Display the agency OIG fraud hotline poster, unless the agency does not have a fraud hotline poster; and

(ii) Display the Department of Homeland Security (DHS) disaster assistance poster in accordance with paragraph (d)(2) of this section.

(2) In addition to the requirements of paragraph(b)(1) of this section, contracts exceeding $5,000,000 with performance periods of 120 days or more shall require the contractor to—

(i) Have a written code of ethics and business conduct; and

(ii) Establish an employee ethics and compliance training program and internal control systems commensurate with the size of the company and its involvement in Government contracting.

(c) *Contracts valued at $5,000,000 or less.* Agencies may establish policy and procedures for display of the agency OIG fraud hotline poster, without imposing the requirements of paragraph (b)(2) of this section, in contracts valued at $5,000,000 or less.

(d) *Fraud Hotline Poster.* (1) Agencies are responsible for determining the need for, and content of, their respective agency OIG fraud hotline poster(s).

(2) When requested by the Department of Homeland Security (DHS), agencies shall ensure that contracts funded with disaster assistance funds require display of any event-specific fraud hotline poster applicable to the specific contract. As established by the agency, such posters may be displayed in lieu of, or in addition to, the agency's standard poster.

**3.1004 Contract clause.**

(a)(1) Insert the clause at FAR 52.203–XX, Contractor Code of Ethics and Business Conduct, in solicitations and contracts expected to exceed $5,000,000 and the performance period is 120 days or more, except when the contract –

(i) Will be awarded pursuant to the procedures inFAR Part 12; or to address Contractor Code of Ethics and Business Conduct and the display of Federal agency Office of the Inspector General (OIG) Fraud Hotline Poster.

(ii) Will be performed outside the United States. (2) The contracting officer shall insert the website link(s) or other contact information for obtaining the agency and/or DHS poster.

(b) Insert the clause with its Alternate I–

(1) When the agency does not have a fraud hotline poster; and

(2) When the requirements of 3.1003(d)(2) do not apply.

(c) Insert the clause with its Alternate II–

(1) When the contract performance period is less than 120 days; or

(2) If the agency has established policies and procedures for display of the OIG fraud hotline poster at a lesser amount. The contracting officer shall insert the agency authorized lesser amount in paragraph (d) of this section.

## PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Add section 52.203–XX to read as follows:

**52.203–XX Contractor Code of Ethics and Business Conduct.**

As prescribed in 3.1004(a), insert the following clause:

CONTRACTOR CODE OF ETHICS AND BUSINESS CONDUCT (DATE)

(a) *Definition.*

''United States,'' as used in this clause, means the 50 States, the District of Columbia, and outlying areas.

(b) *Code of ethics and business conduct.* (1) Within 30 days after contract award, the Contractor shall have a written code of ethics and business conduct.

(2) (i) The Contractor shall promote compliance with its code of ethics and business conduct. Within 90 days after contract award, the Contractor shall establish—

(A) An employee ethics and compliance training program; and

(B) An internal control system.

(ii) Such program and system shall be suitable to the size of the company and its involvement in Government contracting.

(c) *Internal control system.*(1) The Contractor's internal control system shall—

(i) Facilitate timely discovery and disclosure of improper conduct in connection with Government contracts; and

(ii) Ensure corrective measures are promptly instituted and carried out.

(2) For example, the Contractor's internal control system should provide for—

(i) Periodic reviews of company business practices, procedures, policies, and internal controls for compliance with the Contractor's code of ethics and business conduct and the special requirements of Government contracting;

(ii) An internal reporting mechanism, such as a hotline, by which employees may report suspected instances of improper conduct, and instructions that encourage employees to make such reports;

(iii) Internal and/or external audits, as appropriate;

(iv) Disciplinary action for improper conduct;

(v) Timely reporting to appropriate Government officials of any suspected violations of law in connection with Government contracts or any other irregularities in connection with such contracts; and

(vi) Full cooperation with any Government agencies responsible for either investigation or corrective actions.

(d) Display of fraud hotline poster(s). (1) During contract performance, the Contractor shall prominently display the _____ (*Contracting Officer shall insert (i) appropriate agency name(s) and/or (ii) title of applicable DHS event-specific fraud hotline poster*) fraud hotline poster(s) in common work areas within business segments performing work under this contract and at contract work sites. The Contractor is not required to display the poster(s) in common work areas and contract sites outside the United States.

(2) Additionally, if the Contractor maintains a company website as a method of providing information to employees, the Contractor shall display an electronic version of the poster(s) at the website.

(3) The _____ poster(s) may be obtained from _____. *(Contracting Officer shall insert the website(s) or other contact information for obtaining the poster(s).)*

(e) *Remedies.* In addition to the other remedies available to the Government, the Contractor's failure to comply with the requirements of this clause may render the Contractor subject to—

(1) Withholding of contract payments; or

(2) Loss of award fee, consistent with the award fee plan, for the performance period in which the Government determined Contractor non-compliance.

(f) *Subcontracts.* (1) The Contractor shall include the substance of this clause, including this paragraph (f), in all subcontracts that exceed $5,000,000, except when the subcontract—

(i) Is for the acquisition of a commercial item; or

(ii) Is performed outside the United States.

(2) The Contractor is not required to include the requirements of paragraphs (b) and (c) of this clause in subcontracts that have performance periods of less than 120 days.

(End of clause)

*Alternate I (DATE).* As prescribed in 3.1004(b), delete paragraph (d), and redesignate paragraphs (e) and (f) as paragraphs (d) and (e).

*Alternate II (DATE).* As prescribed in 3.1004(c), delete paragraphs (b), (c) and (f) from the basic clause, redesignate paragraphs (d) and (e) as paragraphs (b) and (c) and insert the following paragraph (d):

(d) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (d), in all subcontracts that exceed $_____ (*Contracting Officer shall insert $5,000,000 or the amount authorized by agency procedures*), except when the subcontract—

(1) Is for the acquisition of a commercial item; or

(2) Is performed outside the United States.

[FR Doc. 07–698 Filed 2–15–07; 8:45 am]

BILLING CODE 6820–EP–S

# Notices

Federal Register
Vol. 72, No. 32
Friday, February 16, 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

### Submission for OMB Review; Comment Request

February 13, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

**Food Safety and Inspection Service**

*Title:* Registration Requirements.

*OMB Control Number:* 0583–0128.

*Summary of Collection:* The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry are safe, wholesome, unadulterated, and properly labeled and packaged. According to the regulations (9 CFR 320.5 and 381.179), parties required to register with FSIS must do so by submitting form FSIS Form 5020–1, ''Registration of Meat and Poultry Handlers.''

*Need and Use of the Information:* FSIS will collect the name, address of all locations at which they conduct the business that requires them to register and all trade or business names under which they conduct these businesses. FSIS uses this information to maintain a database of these businesses. If the information were not collected, it would reduce the effectiveness of the meat and poultry inspection program.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 80.

*Frequency of Responses:* Recordkeeping; Reporting: Other (Once).

*Total Burden Hours:* 150.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E7–2783 Filed 2–15–07; 8:45 am]

BILLING CODE 3410–DM–P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Docket # AMS–FV–2007–0006; FV–04–301]**

### United States Standards for Grades of Greenhouse Tomatoes

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is revising the United States Standards for Grades of Greenhouse Tomatoes. Specifically, AMS is revising the standards to allow that percentages of defects and size classifications be determined by count rather than weight. This will result in a revision of the following sections of the standards: Tolerances, Size Classification, Standard Pack, Damage, and Serious Damage. Additionally, AMS is deleting the ''Unclassified'' section, adding moldy stems as a damage defect, and adding a scoring guide for damage and serious damage for skin checks. These revisions will bring the standards for greenhouse tomatoes in line with current marketing practices, thereby improving their usefulness in serving the industry.

**DATES:** *Effective Date:* March 19, 2007.

**FOR FURTHER INFORMATION CONTACT:** Vincent J. Fusaro, Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1661 South Building, STOP 0240, Washington, DC 20250–0240, Fax (202) 720–8871 or call (202) 720–2185. The revised United States Standards for Grades of Greenhouse Tomatoes will be available either through the address cited above or by accessing the AMS, Fresh Products Branch Web site at: *http://www.ams.usda.gov/standards/stanfrfv.htm.*

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements no longer appear in the Code of Federal Regulations, but are maintained by USDA, AMS, Fruit and Vegetable Programs.

AMS is revising the voluntary United States Standards for Grades of Greenhouse Tomatoes using procedures that appear in Part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36). These standards were last revised in 1966.

**Background**

Prior to undertaking research and other work associated with revision of the grade standards, AMS published a notice in the **Federal Register** (68 FR 68859) on December 10, 2003, soliciting comments on the possible revision of the United States Standards for Grades of Greenhouse Tomatoes. AMS published a subsequent notice in the **Federal Register** (69 FR 12299) on March 16, 2004, extending the period for comments. Further, after the comment period, AMS prepared a discussion draft of the proposed greenhouse tomato standard, and distributed copies for input to all commenters, industry associations, and other interested persons. As a result, we added a scoring guide for damage and serious damage by skin checks and included moldy stems as a damage defect. Based on comments received from the notices and discussion draft, AMS published a notice in the **Federal Register** (71 FR 30860) on May 31, 2006, proposing to revise the standards.

In response to this notice, AMS received six comments on the proposed revisions. Two from domestic trade organizations, one from a foreign trade organization, one from an international marketing organization, and two from foreign government agencies. The comments are available by accessing the AMS, Fresh Products Branch Web site at: *http://www.ams.usda.gov/fv/fpbdocketlist.htm.*

Two commenters supported the size classification, the standard pack section, the creation of a separate standard for tomatoes on the vine, the skin check definition, and the inclusion of moldy stems as a defect. The commenters requested that ''russetting'' be included in the skin check definition. ''Russetting'' is a trade term used to describe a type of scarring or growth crack that tends to be concentric to the stem scar. The term ''russetting'' is used to describe the defect that is classified in the standards as skin checks, therefore tomatoes that are affected by ''russetting'' are covered by the definition for skin checks. The commenters also expressed concern regarding the scoring of moldy stems. They stated that moldy stems should be scored as a defect only when there is a large growth of mold that leaves behind a soft area after it is wiped off of the fruit. They also were of the view that the mere presence of a dot of mold should not cause the fruit to be considered moldy. The classification of moldy stems as a damage defect in the standards is such that a small amount of mold would not be scored, however mold that materially affects the appearance of the tomato will be scored. Therefore, no change to the standards will be made as a result of these comments.

One commenter supported the proposed change to allow that percentages of defects and size classifications be determined by count rather than weight and the inclusion of moldy stems as a damage defect. The commenter also recommended that the language in the U.S. Standards for Grades of Greenhouse Tomatoes be revised to read exactly as the U.S. Standards for Grades of Fresh Tomatoes. Revising the greenhouse tomatoes standards to reflect the fresh tomato standards would significantly change the tolerances and scoring guides for greenhouse tomatoes. Greenhouse tomatoes have unique characteristics and are grown in a controlled environment that eliminates external environmental issues, such as wind and rain, that could affect the appearance or keeping quality. Therefore, due to these differences, the standards will remain separate and distinct.

One commenter suggested that percentages for defects and size should be determined by count or weight. The commenter noted that they sell tomatoes by weight. However, the commenter noted that in some cases a percentage by count may be more useful; therefore, the commenter recommended that the standards provide a choice: count or weight. Under current marketing practices, greenhouse tomatoes are packaged and marketed having a uniform size. AMS believes that the consistency in sizing is best achieved when percentages are determined by count. Also, determining the percentages for defects and size by count, will be consistent with the fresh tomato standards.

One commenter expressed concern over the standard pack definition using diameter specifications, stating that measuring tomatoes by size and not count will force small, independent tomato growers to heavily invest in cost prohibitive sorting machinery. However, size is not part of the grade for greenhouse tomatoes; therefore specifying a size is voluntary. The size section provides sufficient flexibility in order to provide marketers the option to specify size. In turn, marketers that prefer not to specify a size are not required to do so.

One commenter noted that cartons of imported greenhouse tomatoes currently list weight/sizes in metric on the outside of the carton. They stated that this causes numerous administrative problems in trying to convert to English measurements, and requested that these cartons contain both metric and English measurements. However, such a provision would be beyond the scope of the standards.

One commenter requested clarification on how the wording would be in the revised standard for moldy stems and skin checks. The revised standards states that tomatoes shall be free from damage by moldy stems and free from damage by skin checks. Damage by moldy stems is defined under the general definition of damage to mean, ''any specific defect which materially detracts from the appearance, or the edible or marketing quality of the tomato.'' Damage by skin checks is defined as, ''when the appearance of the tomato is affected to a greater extent than that of a tomato 2–½ inches in diameter having skin checks which has an aggregate area equivalent to that of a circle three-eighths inch in diameter.''

One commenter suggested that both the European Standard and the U.S. Standard be considered for harmonization during the revision process. The U.S. standards are used by the U.S. industry, any such harmonization of the standards would require involvement and input from the U.S. greenhouse industry. Therefore, this suggestion is not addressed in this action.

Based on the comments received and information gathered, AMS believes the revision to the standards will improve their usefulness in serving the industry.

The official grade of a lot of greenhouse tomatoes covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

The United States Standards for Grades of Greenhouse Tomatoes will become effective 30 days after publication of this notice in the **Federal Register**.

(Authority: 7 U.S.C. 1621–1627.)

Dated: February 12, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E7–2725 Filed 2–15–07; 8:45 am]

BILLING CODE 3410–02–P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Docket # AMS–FV–2007–0007; FV–06–309]**

### United States Standards for Grades of Tomatoes on the Vine

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS), of the Department of Agriculture (USDA) is soliciting comments on the proposed voluntary United States Standards for Grades of Tomatoes on the Vine. The proposed standards would provide industry with a common language and uniform basis for trading, thus promoting the orderly and efficient marketing of tomatoes on the vine (TOV).

**DATES:** Comments must be received by April 17, 2007.

**ADDRESSES:** Interested persons are invited to submit written comments on the Internet at *http://www.regulations.gov* or to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 1661 South Building, Stop 0240, Washington, DC 20250–0240; Fax (202) 720–8871. Comments should make reference to the dates and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Vincent J. Fusaro, Standardization Section, Fresh Products Branch, (202) 720–2185. The United States Standards for Grades of Tomatoes on the Vine are available through the Fresh Products Branch Web site at: *http://www.ams.usda.gov/standards/stanfrfv.htm.*

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''To develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by USDA, AMS, Fruit and Vegetable Programs.

AMS is proposing to establish voluntary United States Standards for Grades of Tomatoes on the Vine using the procedures that appear in Part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36).

### Background

AMS published a notice in the **Federal Register** (68 FR 68859) on December 10, 2003, soliciting comments on the possible revision of the United States Standards for Grades of Greenhouse Tomatoes. AMS published a subsequent notice in the **Federal Register** (69 FR 12299) on March 16, 2004, extending the period for comments. Further, after the comment period, AMS prepared a discussion draft of the proposed greenhouse tomato standard, and distributed copies for input to all commenters, industry associations, and other interested persons. Based on input from the notices and the discussion draft, AMS has determined that there is a need for a separate standard specifically for TOV, and an increase to the proposed tolerance for tomatoes detached from the stem/vine from 5 percent to 10 percent.

AMS published a notice in the **Federal Register** (71 FR 30367) on May 26, 2006, soliciting comments on the proposed voluntary United States Standards for Grades of Tomatoes on the Vine. The proposed standards for TOV contain the following grades as well as a tolerance for each grade: U.S. No. 1 and U.S. No. 2. In addition, ''Application of Tolerances'' and ''Size Classifications'' sections are included. This proposal also defines ''Damage,'' ''Serious Damage,'' specific basic requirements, and other defects. In response to our request for comments, AMS received six comments on the proposed standards. One from an industry group representing receivers, one from an international trade organization, one from a foreign trade organization, one from a foreign government agency, one from a foreign industry alliance representing its agricultural interest throughout North America, and one from a domestic producer. The comments are available by accessing the AMS, Fresh Products Branch Web site at: *http://www.ams.usda.gov/fv/fpbdocketlist.htm.*

AMS received four comments requesting that cherry-type tomatoes and grape-type tomatoes be excluded from the TOV standard based on the fact that their stems tend to be more brittle with higher shatter, which has led to the marketing of these varieties in individually wrapped containers instead of bulk. AMS agrees that current marketing practices warrant excluding cherry-type tomatoes and grape-type tomatoes from the TOV standards.

Three comments expressed concern that the defects should be scored based on the count of the tomatoes in the containers and not the total number of bunches in the containers. The standards provide for the scoring of defects, including defects affecting the stems to be based on the individual tomato and not the bunch. For defects affecting the lateral stem, the scoring will be based on the individual tomato, and for defects affecting the main stem the scoring will be based on the number of the tomatoes on the cluster.

Three comments expressed concerns about the proposed tolerances for tomatoes that are detached from the stem/vine stating that the tolerances do not seem to be based on any available data. The commenters also requested that this tolerance be revisited after the standard has been in effect and the results of the inspections are better known. The tolerance for tomatoes that are detached from the stem/vine is based upon industry input that was provided from the discussion draft for the greenhouse tomatoes. Further, if the industry feels that the tolerance needs to be revisited at a future date, AMS will work with the industry to address their concerns. It was also expressed that the inspectors should be encouraged to minimize handling of the TOV before making the calculation regarding shatter. The tolerance for tomatoes that are detached from the stem/vine is based on the normal handling of the product. As with all commodities, inspectors are instructed to always handle the product in the proper fashion as to not cause any additional defects to occur or become more prevalent.

Three comments requested that the size section be removed from the standards, given the degrees and variations of size of individual tomatoes within a cluster as well as a carton of TOV. Even though size would not be part of the grade for tomatoes on the vine, size would be an option for those who choose to specify size. The size section provides sufficient flexibility in order to provide marketers the option to specify size. In turn, marketers that prefer not to specify a size are not required to do so.

Two comments expressed that the standards appear to read that moldy stems would be classified under the other comments section of a certificate during an inspection, but would not be scored against the U.S. No. 1 grade. The basic requirements of the U.S. No. 1 and U.S. No. 2 grades state that, ''The vines shall not be brittle and shall be free from decay; and free from damage by mold or any other means.'' and ''The vines shall not be brittle and shall be free from decay; and free from serious damage by mold or other means.'' respectively. Therefore, moldy stems would be scored as a defect in all U.S. grades of TOV.

One comment requested that a color section similar to how color is handled in the U.S. Standards for Grades of Fresh Tomatoes be added in order to provide additional guidance during the inspection process. The growing, ripening, and handling practices of TOV are very different from fresh tomatoes. Further, the proposed maturity requirements also require a color break of not less than ten percent. Therefore, a separate color section would not be necessary for TOV.

Finally one commenter stated that they would use these new standards for trade purposes. The proposed TOV standards would provide a common language for trade and a means of measuring value in the marketing of this commodity. The official grade of a lot of TOV covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables, and Other Products (Sec. 51.1 to 51.61).

This notice provides a 60-day comment period for interested parties to comment on the proposed United States Standards for Grades of Tomatoes on the Vine.

(Authority: 7 U.S.C. 1621–1627.)

Dated: February 12, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E7–2731 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Docket # AMS–FV–2007–0005; FV–06–313]**

### United States Standards for Grades of Winter Pears

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice; withdrawal.

**SUMMARY:** The Agricultural Marketing Service (AMS) is withdrawing the notice soliciting comments on its proposal to amend the voluntary United States Standards for Grades of Winter Pears. After reviewing and considering the comments received, the agency has decided not to proceed with this action.

**DATES:** *Effective Date:* February 16, 2007.

**FOR FURTHER INFORMATION CONTACT:** Vincent J. Fusaro, Standardization Section, Fresh Products Branch, (202) 720–2185. The United States Standards for Grades of Pineapples are available either through the address cited above or by accessing the Fresh Products Branch Web site at: *http://www.ams.usda.gov/standards/stanfrfv.htm.*

**Background**

AMS had identified the United States Standards for Grades of Winter Pears for possible revisions. The revision would delete § 51.1309, Condition after storage or transit, which states that ''decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.'' The standards were published on September 10, 1955.

On November 2, 2006, AMS published a notice in the **Federal Register** (71 FR 64478) soliciting comments on a possible revision to the United States Standards for Grades of Winter Pears. The comments are available by accessing AMS, Fresh Products Branch Web site at: *http://www.ams.usda.gov/fv/fpbdocketlist.htm.* The comment period ended January 2, 2007. During that sixty-day comment period, twenty-two comments were submitted. All opposed a revision. The commenters generally felt that the current standard has been in place for many years and still is useful.

After reviewing and considering the comments received, AMS has decided not to proceed with the action.

(Authority: 7 U.S.C. 1621–1627.)

Dated: February 12, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E7–2728 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2007–0012]**

### Notice of Request for Extension of Approval of an Information Collection; Animal Welfare; Inspection, Licensing, and Procurement of Animals

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

**ACTION:** Extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the Animal Welfare Act regulations for inspection, licensing, and procurement of animals.

**DATES:** We will consider all comments that we receive on or before April 17, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0012 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0012, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0012.

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

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

**FOR FURTHER INFORMATION CONTACT:** For information on Animal Welfare Act regulations for inspection, licensing, and procurement of animals, contact Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737; (301) 734–7833. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**SUPPLEMENTARY INFORMATION:**

*Title:* Animal Welfare; Inspection, Licensing, and Procurement of Animals.

*OMB Number:* 0579–0254.

*Type of Request:* Extension of approval of an information collection.

*Abstract:* The Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, carriers, and intermediate handlers. The Secretary of Agriculture has delegated the responsibility of enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service.

The regulations established under the AWA are contained in title 9 of the Code of Federal Regulations (9 CFR), chapter I, subchapter A, parts 1, 2, and 3. Part 2 generally provides administrative requirements and sets forth institutional responsibilities of regulated persons under the AWA, including requirements for the licensing and registration of dealers, exhibitors, and research facilities, standards for veterinary care, identification of animals, and recordkeeping.

These requirements include information collection activities for prelicense inspections, license applications and renewals, and recordkeeping requirements for the acquisition of animals from persons not licensed under the AWA. In addition, dealers, exhibitors, and research facilities that acquire a dog or cat from an unlicensed or unregistered person (and not a pound or shelter) must obtain certification from that person that the animals were born and raised on their premises and that they are eligible for an exemption from the licensing requirements.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years. After approval of the burden associated with this extension notice, OMB will combine it with another collection titled ''Animal Welfare (OMB number 0579–0036),'' and the Department will retire OMB number 0579–0254.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 3.1538461 hours per response.

*Respondents:* Dealers, exhibitors, research facilities, and persons exempt from licensing or registration under the AWA.

*Estimated annual number of respondents:* 89.

*Estimated annual number of responses per respondent:* 0.1460674.

*Estimated annual number of responses:* 13.

*Estimated total annual burden on respondents:* 41 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of February 2007.

**Kevin Shea,**

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

[FR Doc. E7–2786 Filed 2–15–07; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2007–0003]**

### Notice of Request for Approval of an Information Collection; Animal Care; Program Evaluation Survey of Licensees and Registrants

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

**ACTION:** New information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to initiate a new information collection activity associated with the Agency's Animal Care program. The activity involves surveying licensees and registrants.

**DATES:** We will consider all comments that we receive on or before April 17, 2007.

**ADDRESSES:** You may submit comments by either of the following methods: *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0003 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

*Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0003, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0003.

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

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

**FOR FURTHER INFORMATION CONTACT:** For information on an information collection associated with surveying Animal Care licensees and registrants, contact Mr. J. Michael Tuck, Senior Program Analyst, Office of the Deputy Administrator, PPD, APHIS, 4700 River Road Unit 20, Riverdale, MD 20737–1238; phone (301) 734–5819; or e-mail *james.m.tuck@aphis.usda.gov*. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**SUPPLEMENTARY INFORMATION:**

*Title:* Animal Care; Program Evaluation Survey; Licensees and Registrants.

*OMB Number:* 0579–XXXX.

*Type of Request:* Approval of a new information collection.

*Abstract:* The Animal and Plant Health Inspection Service, Animal Care program, conducts activities to administer and enforce the Animal Welfare Act (AWA) and regulations issued under the AWA.

Animal Care plans to survey a sample of facilities licensed or registered under the regulations. A similar survey was conducted in 1997. This survey will help Animal Care assess the effectiveness of changes made to the program as a result of that initial survey. Animal Care will use the information from this survey to plan further improvements in its operations.

We are asking OMB to approve our use of this information collection activity for 3 years. The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. *These comments will help us:*

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.16 hours per response.

*Respondents:* Dealers, exhibitors, intermediate carriers and handlers, and research facilities.

*Estimated annual number of respondents:* 4,200.

*Estimated annual number of responses per respondent:* 1.

*Estimated annual number of responses:* 4,200.

*Estimated total annual burden on respondents:* 672 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of February 2007.

**Kevin Shea,**

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

[FR Doc. E7–2787 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–34–P**

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2006–0178]**

### Notice of Request for Approval of an Information Collection; Voluntary Bovine Johne's Disease Control Program

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

**ACTION:** Approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to initiate an information collection associated with the Voluntary Bovine Johne's Disease Control Program.

**DATES:** We will consider all comments that we receive on or before April 17, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2006–0178 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0178, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0178.

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

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

**FOR FURTHER INFORMATION CONTACT:** For information on the Voluntary Bovine Johne's Disease Control Program, contact Dr. Michael Carter, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737; (301) 734–7954. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**SUPPLEMENTARY INFORMATION:**

*Title:* Voluntary Bovine Johne's Disease Control Program.

*OMB Number:* 0579–XXXX.

*Type of Request:* Approval of an information collection.

*Abstract:* The Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to prevent the introduction and interstate spread of serious diseases and pests of livestock and for eradicating such diseases from the United States when feasible. In connection with this mission, Veterinary Services (VS), APHIS, prohibits or restricts the interstate movement of livestock that have, or have been exposed to, certain diseases.

Johne's disease, also known as paratuberculosis, is caused by

*Mycobacterium avium* subspecies *paratuberculosis* (MAP) and primarily affects cattle, sheep, goats, and other domestic, exotic, and wild ruminants. The disease is a chronic and contagious enteritis that results in progressive wasting and eventual death. It is nearly always introduced into a healthy herd by an infected animal that is not showing symptoms of the disease.

The regulations in 9 CFR, chapter I, subchapter C, govern the interstate movement of animals to prevent the dissemination of livestock and poultry diseases in the United States. Subchapter C, part 71, contains general provisions for the interstate movement of animals, poultry, and their products, while part 80 pertains specifically to the interstate movement of domestic animals that are positive to an official test for Johne's disease.

These regulations provide that cattle, sheep, goats, and other domestic animals that are positive to an official test for Johne's disease may generally be moved interstate only to a recognized slaughtering establishment or to an approved livestock facility for sale to such an establishment. The animals must bear an official eartag and be shipped with an owner-shipper statement.

Supplementing the regulations are standards outlined in the document, ''Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program'' (VBJDCP). The voluntary, cooperative program is administered by the States and supported by industry and APHIS.

The program provides national standards for the control of Johne's disease. The program consists of three basic elements: (1) Education, to inform producers about the cost of Johne's disease and to provide information about management strategies to prevent, control, and eliminate the disease; (2) management, to help producers establish good management strategies on their farms; and (3) herd testing and classification, to help separate test-positive herds from test-negative herds.

To better support the voluntary program across the States, VS is proposing the use of several new information collection activities. Currently, all information collections are being done through the State programs. The information collections that APHIS would administer for the voluntary program are as follows:

- An annual report, VS Form 4–29, and quarterly report to track the progress of each State's programs. VS will use this information to make decisions about supplemental funding.
- An application for Herd Entry/Renewal into the program, VS Form 4–28, to identify herds whose owners are interested in participating in the VBJDCP.
- A risk assessment and management plan for dairy cattle or beef cattle to assist field veterinary medical officers or Johne's certified veterinarians to review the management practices of the farm and develop a herd management plan capable of reducing or stopping the transmission of MAP.
- Johne's Vaccination Record, VS Form 4–27, and continuation sheet, VS Form 4–27A, to record the identity of specific animals vaccinated with a MAP bacterin to avoid interference with the tuberculosis eradication surveillance efforts.
- Test Record, VS Form 4–30, and its continuation sheet, VS Form 4–30A, to record samples submitted and laboratory results from testing done for the VBJDCP.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.651378689 hours per response.

*Respondents:* Participating cattle producers; APHIS accredited veterinarians, State animal health officials, and State personnel who perform VBJDCP activities.

*Estimated annual number of respondents:* 50,602.

*Estimated annual number of responses per respondent:* 2.1393423.

*Estimated annual number of responses:* 108,255.

*Estimated total annual burden on respondents:* 70,515 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of February 2007.

**Kevin Shea,**

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

[FR Doc. E7–2788 Filed 2–15–07; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2007–0002]**

### Notice of Request for Approval of an Information Collection; Animal Care; Program Evaluation Survey of Nongovernmental Organizations Interested in Animal Welfare

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

**ACTION:** New information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to initiate a new information collection activity associated with the Agency's Animal Care program. The activity involves surveying nongovernmental organizations interested in animal welfare.

**DATES:** We will consider all comments that we receive on or before April 17, 2007.

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

*Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0002 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

*Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0002, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0002.

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

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

**FOR FURTHER INFORMATION CONTACT:** For information on an information collection associated with surveying nongovernmental organizations interested in animal welfare, contact Mr. J. Michael Tuck, Senior Program Analyst, Office of the Deputy Administrator, PPD, APHIS, 4700 River Road Unit 20, Riverdale, MD 20737–1238; phone (301) 734–5819; or e-mail *james.m.tuck@aphis.usda.gov.* For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**SUPPLEMENTARY INFORMATION:**

*Title:* Animal Care; Program Evaluation Survey; Nongovernmental Organizations Interested in Animal Welfare.

*OMB Number:* 0579–XXXX.

*Type of Request:* Approval of a new information collection.

*Abstract:* The Animal and Plant Health Inspection Service, Animal Care program, conducts activities to administer and enforce the Animal Welfare Act and the Horse Protection Act and regulations issued under those Acts.

Animal Care plans to survey nongovernmental organizations interested in animal welfare. Animal Care will randomly select organizations from several sources, primarily those the program interacts with on a regular basis (including allied industry associations and groups concerned with the humane treatment of animals), as well as appropriate organizations listed in the online database GuideStar.org. Other organizations may be included as potential respondents by contacting Mr. J. Michael Tuck as indicated under **FOR FURTHER INFORMATION CONTACT.**

Animal Care will use the information from the survey to plan improvements to the Animal Care program.

We are asking OMB to approve our use of this information collection activity for 3 years. The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. *These comments will help us:*

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.16 hours per response.

*Respondents:* Established nongovernmental organizations interested in animal welfare.

*Estimated annual number of respondents:* 500.

*Estimated annual number of responses per respondent:* 1.

*Estimated annual number of responses:* 500.

*Estimated total annual burden on respondents:* 80 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of February 2007.

**Kevin Shea,**

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

[FR Doc. E7–2789 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

### Trade Adjustment Assistance for Farmers

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by the Burley Tobacco Growers Cooperative Association and the Burley Stabilization Corporation representing Burley tobacco growers in Kentucky, Tennessee, Virginia, North Carolina, West Virginia, Indiana, Ohio, and Missouri for trade adjustment assistance. The Administrator will determine within 40 days whether or not increasing Burley tobacco imports contributed importantly to a decline in domestic producer prices of 20 percent or more during the marketing period beginning October 1, 2005, and ending September 30, 2006. If the determination is positive, all producers who produce and market their Burley tobacco in Kentucky, Tennessee, Virginia, North Carolina, West Virginia, Indiana, Ohio, and Missouri will be eligible to apply to the Farm Service Agency for no cost technical assistance and for adjustment assistance payments.

**FOR FURTHER INFORMATION CONTACT:** Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, e-mail: *trade.adjustment@fas.usda.gov.*

Dated: February 5, 2007.

**Michael W. Yost,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. E7–2776 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–10–P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

### Trade Adjustment Assistance for Farmers

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by a group of apiarists representing Michigan natural honey, white or lighter, producers for trade adjustment assistance. The Administrator will determine within 40 days whether or not increasing imports of natural honey contributed importantly to a decline in domestic

producer prices of 20 percent or more during the marketing period beginning September 1, 2005, and ending August 31, 2006. If the determination is positive, all apiarists who produce and market their natural honey in Michigan will be eligible to apply to the Farm Service Agency for no cost technical assistance and for adjustment assistance payments.

**FOR FURTHER INFORMATION CONTACT:** Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, e-mail: *trade.adjustment@fas.usda.gov.*

Dated: February 5, 2007.

**Michael W. Yost,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. E7–2778 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–10–P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

### Trade Adjustment Assistance for Farmers

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by National Grape Cooperative Association representing New York, Pennsylvania, and Ohio Concord juice grape producers for trade adjustment assistance. The Administrator will determine within 40 days whether or not increasing imports of grape juice, not concentrated, contributed importantly to a decline in domestic producer prices of 20 percent or more during the marketing period beginning August 1, 2005, and ending July 31, 2006. If the determination is positive, all Concord juice grape producers who produce and market their Concord juice grapes in New York, Pennsylvania, and Ohio will be eligible to apply to the Farm Service Agency for no cost technical assistance and for adjustment assistance payments.

**FOR FURTHER INFORMATION CONTACT:** Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, *e-mail: trade.adjustment@fas.usda.gov.*

Dated: February 5, 2007.

**Michael W. Yost,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. E7–2777 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–10–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Bull Run Watershed Management Unit Agreement, Multnomah County, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Availability of Draft Agreement.

**SUMMARY:** The Mt. Hood National Forest (Forest) in coordination with the City of Portland Water Bureau (City) is preparing a new Bull Run Watershed Management Unit Agreement pursuant to Public Law 95–200, Section 2(d). This Agreement will guide and be applicable to all occupancy, use, and management of the Bull Run Watershed Management Unit by the City and the Forest. This Agreement will replace the existing 1979 Memorandum of Understanding (MOU). The new Agreement will provide the revised administrative direction and agreements needed to structure the parties' roles, responsibilities, business processes and working relationships for the coming decades. Consideration and approval of the Agreement is scheduled for June 2007. The Forest and the City invite written comments on the content and scope of the Agreement. A copy of the draft Agreement is available on the following Internet Web sites, *http://www.fs.fed.us/r6/mthood* or *http://www.potlandonline.com/water/.* Hard copies of the draft Agreement may be obtained by contacting the contact person listed below.

**DATES:** Comments concerning the content and scope of analysis should be postmarked by April 16, 2007. Two Public meetings are scheduled. The meeting dates are:

1. March 20, 2007, 5:30 p.m. to 7:30 p.m., Portland, OR.
2. March 21, 2007, 6 p.m. to 8 p.m., Sandy, OR.

**ADDRESSES:** Send written comments and suggestions concerning the Agreement to Gary Larsen, Forest Supervisor, Mt. Hood National Forest, 16400 Champion Way, Sandy, Oregon 97055–7248. Comment may also be emailed to: *comments-pacificnorthwest-mthood@fs.fed.us.* Include your name and mailing address with your comments so documents pertaining to this Agreement may be mailed to you. The meeting location are:

1. Portland—Jean Vollum Natural Capital Center—Billy Frank Jr. Conference Center, 721 NW., 9th Avenue, Portland, OR 97209.
2. Sandy—Mt Hood National Forest Headquarters, 16400 Champion Way, Sandy, OR 97030.

**FOR FURTHER INFORMATION CONTACT:** Questions about the Agreement or requests for copies should be directed to Rick Acosta, Mt. Hood National Forest, Public Affairs Officer, 16400 Champion Way, Sandy, Oregon, 97055–7248, (e-mal: *racosta@fs.fed.us*), or phone: 503–668–1791, or Terry Black, City of Portland Water Bureau, Outreach Specialist, 1120 SW., 5th Avenue, Portland, OR 97204, (e-mail: *Terry.Black@ci.portland.or.us*), or phone: 503–823–1168.

**SUPPLEMENTARY INFORMATION:** The Bull Run watershed, located in the Mt. Hood National Forest, is the largest and oldest of the several water supplies serving the Portland metropolitan area. Its role in the region's past, present and future, along with its unprecedented level of water quality, make it a high priority for both the City and the Forest Service to take the steps necessary to ensure its continuing quality, productivity and protection.

As the City and the Forest Service began to look closely at the administrative and policy frameworks that guided their interactions they noted that much of that framework dated from the late 1970s and arose from the direction provided in the 1977 Bull Run Management Act (Pub. L. 95–200). As little of that framework had been updated over time, its applicability to current issues and needs is limited. Thus, this Agreement replaces the existing 1979 MOU, aligns practice with existing legislation, and provides the revised administrative direction and agreements needed to structure the parties' roles, responsibilities, business process and working relationships for the coming decades.

The City and the Forest Service, along with community interests in the greater Portland metropolitan area, have had a long and sometimes contentious history of working together to protect and manage the valuable ecological and water resources of the Bull Run watershed. But with the coming of the 21st century, the issues and conflicts in policy and direction that held attention for the last fifty years have all but disappeared. Now, the parties are turning to the future, responding to new fiscal realities, and working together to frame the structures, processes, roles and responsibilities that will allow them to act effectively as joint stewards of this valuable regional and national resource, in concert with citizens who increasingly desire to redeem their responsibilities in stewardship of their lands.

Officials from the City of Portland and the Mount Hood National Forest are

proposing a new Agreement between the City and the Forest Service to identify preferred administrative arrangements for their joint management of the Bull Run Watershed Management Unit. The purpose and hope of the Agreement is to document a new and more relevant relationship between the City and the Forest Service for the long-term stewardship of the Bull Run Watershed Management Unit that is built on a firm foundation of citizen involvement.

The final Agreement is scheduled to be available in June 2007. In completing the Agreement, the Forest and the City will respond to comments received during the comment period. The Agency officials are Gary Larsen, Forest Supervisor, Mt. Hood National Forest for the Forest Service, and the City official is Randy Leonard, Commissioner-in-Charge, City of Portland Water Bureau for the City of Portland.

(Authority: Sec. 2, Pub. L. 95–200, 91 Stat. 1425 (16 U.S.C. 482b)

Dated: February 12, 2007.

**Gary L. Larsen,**

*Forest Supervisor.*

[FR Doc. 07–717 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–11–M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Becker Vegetation Management Project, Boise National Forest, Idaho

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to Prepare Environmental Impact Statement.

**SUMMARY:** The Boise Ranger District of the Boise National Forest will prepare an environmental impact statement (EIS) for a resource management project in the Crooked River Watershed. The 14,500 acre project area is located approximately 18 miles northeast of Idaho City, Idaho, and about 48 miles northeast of Boise, Idaho.

The agency invites written comments and suggestions on the scope of the analysis. The agency also hereby gives notice of the environmental analysis and decision-making process that will occur on the proposal so interested and affected people are aware of how they may participate and contribute to the final decision. At this time no public meetings to discuss the project are planned.

*Proposed Action:* The primary purposes of the project are: (1) Manage the stand density, structure, and species composition to provide conditions that are more resistant to insect and disease infestations and uncharacteristic wildfire. Move towards the Forest Plan vegetation desired conditions, and maintain or increase the large tree component. (2) Modify stand density, structure, and species composition, to restore suitable habitat for white-headed woodpecker and flammulated owls. (3) Provide commercial timber that will contribute to the annual harvest of expected timber volume on the Boise National Forest while moving towards attaining the Forest Plan desired vegetative conditions. (4) Reduce tree stocking & brush within plantations in order to maintain good tree growth and vigor, to reduce fire hazard by removal of developing ladder fuels, and to reduce future susceptibility to insects and disease infestations. (5) Improve water quality and aquatic habitat by reducing long term sedimentation caused by existing roads.

The Proposed Action would commercial harvest trees, and in some areas use a combination of commercial harvest thinning and pre-commercial thinning from approximately 1,970 acres in the 14,500 acre project area. Regeneration harvest would occur on approximately 1,100 acres where insect and disease infestation is particularly severe. In addition approximately 4,700 acres would have only pre-commercial removal of small diameter trees (including 1,688 acres of plantations). Within these areas of mechanical vegetation treatment, aspen clones would be managed by removing and reducing conifer competition in the immediate vicinity. Brush removal would occur within approximately 450 additional acres of conifer plantations. An estimated 14.0 MMBF of timber would be harvested using ground-based yarding systems.

Prescribed burning would occur within approximately 12,000 acres of project area to breakup the horizontal and vertical fuel continuity to reduce the chance of uncharacteristic stand replacement fires. Approximately 1,550 acres would be a natural fuels burn area where no mechanical treatment would occur, these acres would include target areas and conditional or incidental burn areas. A burn block of approximately 10,620 acres would target mechanically treated areas (commercial and pre-commercial thinning) and also include conditional or incidental burn areas.

Approximately 15 acres would be targeted for native plant restoration.

Whitebark pine restoration and enhancement is proposed in a 40 acre area around the summit of Pilot Peak.

The proposed action would decommission and remove these from the transportation system approximately 22 miles of currently authorized roads. Approximately 3.7 miles of temporary road would be constructed, and approximately 0.8 miles of new road would be constructed. Approximately 6.5 miles of road currently not authorized would be improved by construction and added to the transportation system. Approximately 15.6 miles of road would be closed (these would remain as authorized roads) that are currently open, and 10.9 miles of closed road would be opened.

Three culverts that are currently posing a fish migration barrier will be replaced and one would be removed as part of road decommissioning.

*Possible Alternatives to the Proposed Action:* One alternative to the Proposed Action that will be considered is a no action alternative. Other alternatives will likely be developed as issues are identified and information received.

*Decisions to be Made:* The Boise National Forest Supervisor will decide the following: What amount and distribution of commercial tree harvest and pre-commercial tree thinning or removal should be implemented to achieve the project objectives? What amount of prescribed fire should be implemented to achieve the project objectives? What amount of plantation thinning or brush removal should be implemented to achieve the project objectives? Which roads should be adopted as part of the forest-wide minimum transporation system? What existing roads are needed for long term management of the area? What additional roads, if any, are needed to implement the action? What roads are not needed and should be decommissioned or obliterated? What roads currently open should be closed? What culverts that are currently functioning as fish migration barriers should be replaced? Should opportunities for aspen enhancement and whitebark pine restoration be implemented as part of the planned actions? Should opportunities for native plant restoration be implemented?

**DATES:** Comments concerning the proposed project and analysis are encouraged and should be postmarked or received within 30 days following publication of this announcement in the **Federal Register**.

**ADDRESSES:** Comments should be addressed to the Boise National Forest, ATTN: Daniel Schlender, 1249 South Vinnell Way, Suite 200, Boise, ID 83709 or sent electronically to *comments-intermtn-boise-idaho-city@fs.fed.us.* Electronic comments must be submitted in plain text or another format

compatible with Microsoft Word. Comments received in response to this request will be available for public inspection and will be released in their entirety if requested pursuant to the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Further information can be obtained from Daniel Schlender at the address mentioned above or by calling (208) 373–4245.

*Schedule:* Draft Environmental Impact Statement (DEIS), July 2007. Final Environmental Impact Statement (FEIS), October 2007.

**SUPPLEMENTARY INFORMATION:** The entire project area lies within Management Area 7 (North Fork Boise River), discussed on pages III–166 through III–177 in the 2003 Boise National Land and Resource Management Plan. The project area occurs within Management Prescription Category 5.2 (Commodity Production Emphasis within Forested Landscapes).

The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the DEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contention. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but are raised until after completion of the FEIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F. 2d 1016, 1002 (9th Cir., 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the DEIS 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

*Responsible Official:* Richard A. Smith, Forest Supervisor, Boise National Forest, 1249 South Vinnell Way, Suite 200, Boise, ID 83709.

Dated: February 1, 2007.

**Frank V. Guzman,**

*Deputy Forest Supervisor.*

[FR Doc. 07–602 Filed 2–15–07; 8:45 am]

**BILLING CODE 3410–11–M**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List Additions

**AGENCY:** Committee for Purchase from People Who Are Blind or Severely Disabled.

**ACTION:** Additions to Procurement List.

**SUMMARY:** This action adds to the Procurement List a product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** March 18, 2007.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Sheryl D. Kennerly, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov*.

**SUPPLEMENTARY INFORMATION:** On December 1, December 15, and December 22nd 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (71 FR 69537; 75496; 76966) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

### End of Certification

Accordingly, the following product and services are added to the Procurement List:

*Product*

Retractable ID Badge Holder

*NSN:* 8455–00–NIB–0012–Black

*NPA:* West Texas Lighthouse for the Blind, San Angelo, TX

*Contracting Activity:* GSA, Southwest Supply Center, Fort Worth, TX

*Coverage:* A-list—for the total Government requirement as specified by the General Services Administration

*Services*

*Service Type/Location:* Base Supply Center, U.S. Census Bureau Federal Building, Suitland, MD.

*NPA:* Winston-Salem Industries for the Blind, Winston-Salem, NC.

*Contracting Activity:* U.S. Census Bureau, Suitland, MD.

*Service Type/Location:* Base Supply Center & Individual Equipment Element, Patrick Air Force Base/40 CONS/LGCBA (1201 Edward H. White II Street), Patrick AFB, FL.

*NPA:* L.C. Industries For The Blind, Inc., Durham, NC.

*Contracting Activity:* 45th Contracting Squadron/LGCAA, Patrick AFB, FL.

*Service Type/Location:* Custodial Services, U.S. Park Police, 661 Cowles Ave, Horse Mounted Patrol (HMP) Office (Excluding Horse Stable Area), San Francisco, CA.

*Service Type/Location:* Custodial Services, U.S. Park Police—Presidio Park Police Locations, 1217 Ralston Avenue (Excluding Basement Area), San Francisco, CA.

*NPA:* Toolworks, Inc., San Francisco, CA.

*Contracting Activity:* U.S. Park Police (Presidio of San Francisco), San Francisco, CA.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

**Sheryl D. Kennerly,**

*Director, Information Management.*

[FR Doc. E7–2784 Filed 2–15–07; 8:45 am]

BILLING CODE 6353–01–P

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Georgia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee will convene at 1 p.m. and adjourn at 5 p.m. on Thursday, March 1, 2007, at Conference Room A, Sam Nunn Federal Building, 61 Forsyth St., SW., Atlanta, Georgia, 30303. The purpose of the meeting is to give an orientation to members, discuss the Committee's report on school desegregation, receive a briefing on religious freedom for prisoners, and discuss future activities of the Committee.

Persons desiring additional information should contact Peter Minarik, Regional Director, Southern Regional Office, at 404–562–7000 (or for the hearing impaired TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 12, 2007.

**Ivy L. Davis,**

*Acting Chief, Regional Programs Coordination Unit.*

[FR Doc. E7–2775 Filed 2–15–07; 8:45 am]

BILLING CODE 6335–01–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* An Observer Program for Catcher Vessels in the Pacific Coast Groundfish Fishery.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0423.

*Type of Request:* Regular submission.

*Burden Hours:* 2,116.

*Number of Respondents:* 1,763.

*Average Hours Per Response:* 10 minutes.

*Needs and Uses:* This data collection requires that a representative (owner, operator, or manager) for selected catcher vessels participating in the Pacific Coast Groundfish Fishery provide the National Marine Fisheries Service with notification at least 24 hours before departure for a fishing trip and notification when the vessel ceases to participate in the observed portion of the fleet. The information will be used to plan for fishery observer assignments.

*Affected Public:* Business or other for-profit organizations.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: February 12, 2007.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E7–2743 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

### International Buyer Program: Application and Exhibitor Data

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 35068(2)(A)).

**DATES:** Written comments must be submitted on or before April 17, 2007.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th & Constitution Avenue, NW., Washington, DC 20230 or via the Internet at *dHynek@doc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Request for additional information or copies of the information collection instrument and instructions should be directed to: William Kutson, U.S. & Foreign Commercial Service, Export Promotion Services, Room 2212, 14th & Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482–2839, and fax number: (202) 482–0178.

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

The International Trade Administration's International Buyer Program (IBP) encourages international buyers to attend selected domestic trade shows in high export potential industries and to facilitate contact between U.S. exhibitors and foreign visitors. The program has been successful, having substantially increased the number of foreign visitors attending these selected shows as compared to the attendance when not supported by the program. The number of shows selected to the program increased from 10 in FY 1986 to 32 in FY 2004 and will increase to 36 shows in FY 2007. (Because the program schedule will transition from a fiscal year to calendar year, the 2007 program will run 15 months rather than 12. This will cause six shows to repeat, bringing the total number of shows in the FY/CY 2007 schedule to 42.) The criteria used to select these shows are: export potential, international interest, scope of show, stature of show, exhibitor interest, overseas marketing, logistics, delegation incentives, and cooperation of show organizers.

#### II. Method of Collection

Form ITA–4014P, Exhibitor Data, is used to determine which U.S. firms are interested in meeting with international business visitors and the overseas business interest of the exhibitors. The form is completed by U.S. exhibitors participating in an IBP domestic trade show and is used to list the firm and its products in an Export Interest Directory, which is made available for use by Foreign Commercial Officers in recruiting delegations of international buyers to attend the show and is also

distributed to IBP delegation members and other foreign buyers visiting the event.

The Form ITA–4102P, Application, is used by IBP applicant show organizers to demonstrate (1) Their experience, (2) ability to meet the special conditions of the IBP, and

(3) provide information about the domestic trade show such as the number of U.S. exhibitors and the percentage of net exhibit space occupied by U.S. companies vis-a-vis non-U.S. exhibitors.

### III. Data

*OMB Number:* 0625–0151.

*Form Number:* ITA–4014P and ITA–4102P.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 7,250.

*Estimated Time per Response:* Application, 3 hours, and Exhibitor Data, 10 minutes.

*Total Annual Burden Hours:* 1,400.

*Estimated Total Annual Costs:* $67,500.

### IV. Request for Comments

Comments are invited 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 (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 12, 2007.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E7–2744 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–FP–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–122–840]**

### Carbon and Certain Alloy Steel Wire Rod from Canada: Extension of Time Limit for Final Results of the Antidumping Duty Administrative Review

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

**EFFECTIVE DATE:** February 16, 2007.

**FOR FURTHER INFORMATION CONTACT:** Damian Felton or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0133 or (202) 482–0182, respectively.

**SUPPLEMENTARY INFORMATION:**

### Background

On December 1, 2005, the Department of Commerce (''Department'') published its notice of initiation of an antidumping duty administrative review on carbon and certain alloy steel wire rod from Canada. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Reviews*, 70 FR 72107 (December 1, 2005). On November 6, 2006, the Department published the preliminary results of this review. *See Notice of Preliminary Results of Antidumping Duty Administrative Review and Notice of Initiation of Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod from Canada*, 71 FR 64921 (November 6, 2006).

### Extension of Time Limit for Final Results

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), the Department shall issue final results in an administrative review of an antidumping duty order within 120 days after the date on which the preliminary results is published. However, if it is not practicable to complete the review within the specified time periods, section 751(a)(3)(A) of the Act allows the Department to extend this deadline to a maximum 180 days.

Completion of the final results within the originally anticipated time limit, March 6, 2007, is impracticable because this review requires the Department to analyze the complex issues regarding the level of trade. Because it is not practicable to complete the review within the time specified under the Act, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for completion of the final results by 60 days to May 7, 2007.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 12, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E7–2819 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–469–814]**

### Chlorinated Isocyanurates From Spain: Extension of Time Limit for Preliminary Results of the First Administrative Review

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

**EFFECTIVE DATE:** February 16, 2007.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin or Mark Manning at (202) 482–3936 or (202) 482–5253, respectively; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On July 27, 2006, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on chlorinated isocyanurates from Spain, for the period December 20, 2004, to May 31, 2006. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 71 FR 42626 (July 27, 2006).

### Extension of Time Limits for Preliminary Results of Antidumping Duty Administrative Review

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213(h)(1) require the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the order for which the administrative review was requested, and the final results of the review within 120 days after the date on which the notice of the preliminary results was published in the **Federal Register**. However, if the Department

determines that it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2) allow the Department to extend the 245-day period to 365 days and the 120-day period to 180 days.

We determine that it is not practicable to complete the preliminary results of this administrative review by the current deadline of March 2, 2007. The Department requires additional time to review Aragonesas Industrias y Energía S.A.'s recent submissions, which may require the Department to make additional requests for information in regard to affiliation, and certain sales and cost of production-related issues. Therefore, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department is extending the time limit for the completion of these preliminary results to June 1, 2007. The final results will be due 120 days after the date of issuance of the preliminary results, unless extended.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: February 13, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E7–2820 Filed 2–15–07; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–421–807]**

### Certain Hot–Rolled Carbon Steel Flat Products from the Netherlands; Preliminary Results of the Sunset Review of Antidumping Duty Order

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

**SUMMARY:** On August 1, 2006, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on certain hot–rolled carbon steel flat products from the Netherlands (*see Initiation of Five-year (''Sunset'') Reviews*, 71 FR 43443 (August 1, 2006)). On the basis of the notice of intent to participate, adequate substantive responses and rebuttal comments filed on behalf of the domestic and respondent interested parties, the Department is conducting a full sunset review of the antidumping duty order pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'') and section 351.218(e)(2)(i) of the Department's regulations. As a result of this sunset review, the Department preliminarily finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels listed below in the section entitled ''Preliminary Results of Review.''

**EFFECTIVE DATE:** February 16, 2007.

**FOR FURTHER INFORMATION CONTACT:** Steve Bezirganian or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC, 20230; telephone: 202–482–1131 and 202–482–0649, respectively.

**SUPPLEMENTARY INFORMATION:**

### Background

On August 1, 2005, the Department published its notice of initiation of the first sunset review of the antidumping duty order on certain hot–rolled carbon steel flat products from the Netherlands, in accordance with section 751(c) of the Act. *See Initiation of Five-year (''Sunset'') Reviews*, 71 FR 43443 (August 1, 2006) (*Notice of Initiation*).

The Department received a Notice of Intent to Participate from a respondent interested party, Corus Staal BV. Corus Staal BV claimed interested party status as a foreign producer, under section 771(9)(A) of the Act (19 U.S.C. 1677(9)(A)) and 19 CFR 351.102(b).

The Department also received a Notice of Intent to Participate from the following domestic interested parties: Nucor Corporation; Gallatin Steel; IPSCO Steel, Inc.; Steel Dynamics, Inc.; Mittal Steel USA; and United States Steel Corporation (collectively Domestic Producers). Finally, the Department received a Notice of Intent to Participate from an additional domestic interested party: United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO-CLC. The Notices of Intent to Participate from domestic interested parties were within the deadline specified in section 351.218(d)(1)(i) of the Department's Regulations (*see Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders* (Sunset Regulations), 63 FR 13516 (March 20, 1998)). The domestic interested parties claimed interested party status under sections 771(9)(C) and (D) of the Act, as manufacturers of a domestic–like product in the United States, and a union whose workers are engaged in the production of a domestic like product in the United States.

The Department received a complete substantive response to the Notice of Initiation from the domestic interested parties within the 30-day deadline specified in the Sunset Regulations under section 351.218(d)(3)(i). The Department also received a complete substantive response from a respondent interested party, Corus Staal BV, within the deadline specified in section 351.218(d)(3)(i) of the Department's regulations.

On September 1, 2006, the Department received a request from United States Steel Corporation for an extension of the deadline for filing rebuttal comments to the substantive response of the respondent interested parties. Pursuant to section 351.302(b) of the Department's regulations, parties were granted an extension to file rebuttal comments to the substantive responses until September 8, 2006. On September 8, 2006, Corus Staal BV and United States Steel Corporation filed rebuttal comments.

On September 20, 2006, the Department found that the respondent interested parties accounted for more than 50 percent of exports by volume of the subject merchandise from Germany to the United States. *See* the September 20, 2006, memorandum from Robert James to Richard Weible entitled ''Sunset Review of Certain Hot–Rolled Carbon Steel Flat Products from the Netherlands: Adequacy of Domestic and Respondent Interested Party Responses to the Notice of Initiation.'' In accordance with section 351.218(e)(2)(i) of the Department's regulations, the Department determined to conduct a full sunset review of this antidumping duty order.

The Department extended the deadlines for the preliminary results of this review and the final results of this review to February 12, 2007, and June 22, 2007, respectively. *See Certain Hot–Rolled Carbon Steel Flat Products from the Netherlands; Extension of Time Limits for Preliminary and Final Results of Full Five-year (''Sunset'') Review of Antidumping Duty Order*, 71 FR 67854 (November 24, 2006).

### Scope of the Order

For purposes of this order, the products covered are certain hot–rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non–metallic substances, in coils (whether or not in successively superimposed layers),

regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat–rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of the order. Specifically included within the scope of this order are vacuum degassed, fully stabilized (commonly referred to as interstitial–free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro–alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro–alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro–alloying levels of elements such silicon and aluminum.

Steel products to be included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot–rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, ASTM specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron and Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico–manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion–resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non–rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this order is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot–rolled flat–rolled carbon steel flat products covered by this order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the scope of this order is dispositive.

**Analysis of Comments Received**

All issues raised in this sunset review are addressed in the ''Issues and Decision Memorandum for the Full Sunset Review of the Antidumping Duty Order on Certain Hot–Rolled Carbon Steel Flat Products from the Netherlands; Preliminary Results,'' from Stephen Claeys, Deputy Assistant Secretary for Import Administration, to David Spooner, Assistant Secretary for Import Administration, dated February 12, 2007 (''Decision Memorandum''), which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include: the legal authority to conduct sunset review; Corus Staal BV's claim with regard to the Department's practice embodied in the Sunset Review Policy Bulletin; the likelihood of the continuation or recurrence of dumping (non–*de minimis* margins in administrative reviews, and significant decline in import volumes); the magnitude of the margin likely to prevail (zeroing, sales by U.S. affiliate GalvPro LP, and duty absorption).

Parties can find a complete discussion of all issues raised in this sunset review and the corresponding recommendations in this public memorandum, which is on file in room B–099 of the main Department Building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov/frn, under the heading ''February 2007.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

**Preliminary Results of Review**

The Department preliminarily determines that revocation of the antidumping duty order on certain hot–rolled carbon steel flat products from the Netherlands is likely to lead to continuation or recurrence of dumping at the following weighted–average margins:

| Manufacturers/Producers/Exporters | Weighted–Average Margin (Percent) |
|---|---|
| Corus Staal BV ..... | 2.59 |
| All Others ..... | 2.59 |

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Interested parties may submit case briefs no later than 50 days after the date of publication of this notice, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed no later than 5 days after the case briefs, in accordance with 19 CFR 351.309(d)(1). Any hearing,

if requested, will be held two days after rebuttal briefs are due, in accordance with 19 CFR 351.310(d)(1). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such briefs, no later than June 22, 2007 (*see Certain Hot–Rolled Carbon Steel Flat Products from the Netherlands; Extension of Time Limits for Preliminary and Final Results of Full Five-year (''Sunset'') Review of Antidumping Duty Order*, 71 FR 67854 (November 24, 2006)).

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: February 12, 2007.

**David Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E7–2816 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–357–818, A–201–835]**

### Postponement of Preliminary Determinations of Antidumping Duty Investigations: Lemon Juice from Argentina and Mexico

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

**EFFECTIVE DATE:** February 16, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley (Argentina) or Edythe Artman (Mexico), AD/CVD Operations, Office 6 and Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–3148 or (202) 482–2921, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Postponement of Preliminary Determinations

On October 19, 2006, the Department of Commerce (the Department) initiated the antidumping duty investigations of lemon juice from Argentina and Mexico. See *Initiation of Antidumping Duty Investigations: Lemon Juice from Argentina and Mexico*, 71 FR 61710 (October 19, 2006). The notice of initiation stated that the Department would issue its preliminary determinations for these investigations no later than 140 days after the date of issuance of the initiation, in accordance with section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act).

On February 1, 2007, the petitioner, Sunkist Growers, Inc., made a timely request pursuant to 19 CFR 351.205(b)(2) and (e) for a 50-day postponement of the preliminary determinations. The petitioner requested postponement of the preliminary determinations in order to allow the Department additional time in which to review the complex questionnaire responses that have been submitted in the investigations and to analyze additional responses due to be filed shortly.

For the reasons identified by the petitioner and because there are no compelling reasons to deny the request, the Department is postponing the deadline for the preliminary determinations under section 733(c)(1)(A) of the Act by 50 days to April 19, 2007. The deadline for the final determinations will continue to be 75 days after the date of the preliminary determinations, unless extended.

This notice is issued and published pursuant to sections 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 8, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E7–2815 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 021207G]**

### Caribbean Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will hold a meeting.

**DATES:** The SSC meeting will be held on March 7, 2007, from 10 a.m. until 4 p.m., approximately.

**ADDRESSES:** The meeting will be held at the Pierre Hotel at Gallery Plaza, 105 Jose de Diego Avenue, San Juan, Puerto Rico 00914.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–1920; telephone: (787) 766–5926.

**SUPPLEMENTARY INFORMATION:** The SSC will meet to discuss the items contained in the following agenda:

Call to order

Data and Stock Assessment Needs to End Overfishing and Set Annual Catch Limits for Species Under Management

Presentation and Review of Dr. David Olsen's Data on the Status of the St. Thomas/St. John Fisheries

Discussion on the Sale of Catch by Charter Boats/Recreational Fishers in the US Caribbean (White Paper)

Other Business

Discussion on Vermillion Snapper and Queen Snapper Place in the Management Groups

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–1920; telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: February 12, 2007.

**James P. Burgess,**

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

[FR Doc. E7–2736 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 012907C]**

### New England Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of cancellation of a public meeting.

**SUMMARY:** The New England Fishery Management Council has cancelled the public meeting of its Multispecies (Groundfish)Committee that was scheduled for Wednesday, February 21, 2007, at 9 a.m., at the Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:** The initial notice was published on February 2, 2007, 72 FR 5016, and the meeting will be rescheduled at a later date and announced in the **Federal Register**.

Dated: February 12, 2007.

**James P. Burgess,**

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

[FR Doc. E7–2735 Filed 2–15–07; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[I.D. 021207F]**

## National Marine Fisheries Service, Pacific Fishery Management Council Meeting

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

**DATES:** The Council and its advisory entities will meet March 5–9, 2007. The Council meeting will begin on Monday, March 5 at 1 p.m., reconvening each day through Friday. All meetings are open to the public, except a closed session will be held from 1 p.m. until 2 p.m. on Monday, March 5 to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

**ADDRESSES:** The meetings will be held at the DoubleTree Hotel Sacramento, 2001 Point West Way, Sacramento, CA 95819; telephone: 916–929–8855.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

**FOR FURTHER INFORMATION CONTACT:** Dr. Donald O. McIsaac, Executive Director; telephone: 503–820–2280.

**SUPPLEMENTARY INFORMATION:** The following items are on the Council agenda, but not necessarily in this order:

### A. Call to Order

1. Opening Remarks and Introductions
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

### B. Enforcement Issues

1. Enforcement Report: Overview of Joint Enforcement Agreement Program

C. Coastal Pelagic Species Management

1. NMFS Report
2. Stock Assessment Review Panel Terms of Reference for 2007

### D. Administrative Matters

1. Future Council Meeting Agenda Planning
2. Review and Planning for Implementation of New Requirements Resulting from Reauthorization of the Magnuson-Stevens Act
3. Approval of Council Meeting Minutes
4. Legislative Matters
5. Appointments to Advisory Bodies, Standing Committees and Other Forums, and Changes to Council Operating Procedures as Needed
6. Council Three-Meeting Outlook, April 2007 Council Meeting Agenda, and Workload Priorities

### E. Groundfish Management

1. Groundfish Harvest Policy Evaluation Workshop Report
2. NMFS Report
3. Pacific Whiting Harvest Specifications and Management Measures for 2007
4. Trawl Rationalization (Trawl Individual Quota Program)
5. Consideration of Inseason Adjustments
6. Emergency Rule Limiting 2007 Whiting Vessel Participation

### F. Pacific Halibut Management

1. Report on the International Pacific Halibut Commission Meeting
2. Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries

### G. Salmon Management

1. Review of 2006 Fisheries and Summary of 2007 Stock Abundance Estimates
2. Identification of Management Objectives and Preliminary Definition of 2007 Salmon Management Options
3. Identification of Stocks Not Meeting Conservation Objectives
4. Council Recommendations for 2007 Management Options Analysis
5. Council Direction for 2007 Management Options
6. Adoption of 2007 Management Options for Public Review
7. Salmon Hearings Officers

SCHEDULE OF ANCILLARY MEETINGS

| | |
|---|---|
| **Monday, March 5, 2007** | . |
| Council Secretariat | 8 a.m.. |
| Groundfish Advisory Subpanel | 8 a.m.. |
| Groundfish Management Team | 8 a.m.. |
| Salmon Advisory Subpanel | 8 a.m.. |
| Salmon Technical Team | 8 a.m.. |
| Scientific and Statistical Committee | 8 a.m.. |
| Habitat Committee | 9 a.m.. |
| Legislative Committee | 9:30 a.m.. |
| Enforcement Consultants | 5:30 p.m.. |
| Tribal Policy Group | As necessary. |
| Tribal and Washington Technical Group | As necessary. |
| Washington State Delegation | As necessary. |
| **Tuesday, March 6, 2007** | . |
| Council Secretariat | 7 a.m.. |
| California State Delegation | 7 a.m.. |
| Oregon State Delegation | 7 a.m.. |
| Groundfish Advisory Subpanel | 8 a.m.. |

SCHEDULE OF ANCILLARY MEETINGS—Continued

| | |
|---|---|
| Groundfish Management Team | 8 a.m.. |
| Salmon Advisory Subpanel | 8 a.m.. |
| Salmon Technical Team | 8 a.m.. |
| Scientific and Statistical Committee | 8 a.m.. |
| Enforcement Consultants | As necessary. |
| Tribal Policy Group | As necessary. |
| Tribal and Washington Technical Group | As necessary. |
| Washington State Delegation | As necessary. |
| **Wednesday, March 7, 2007** | . |
| Council Secretariat | 7 a.m.. |
| California State Delegation | 7 a.m.. |
| Oregon State Delegation | 7 a.m.. |
| Groundfish Advisory Subpanel | 8 a.m.. |
| Groundfish Management Team | 8 a.m.. |
| Salmon Advisory Subpanel | 8 a.m.. |
| Salmon Technical Team | 8 a.m.. |
| Enforcement Consultants | As necessary. |
| Tribal Policy Group | As necessary. |
| Tribal and Washington Technical Group | As necessary. |
| Washington State Delegation | As necessary. |
| **Thursday, March 8, 2007** | . |
| Council Secretariat | 7 a.m.. |
| California State Delegation | 7 a.m.. |
| Oregon State Delegation | 7 a.m.. |
| Groundfish Advisory Subpanel | 8 a.m.. |
| Groundfish Management Team | 8 a.m.. |
| Salmon Advisory Subpanel | 8 a.m.. |
| Salmon Technical Team | 8 a.m.. |
| Enforcement Consultants | As necessary. |
| Tribal Policy Group | As necessary. |
| Tribal and Washington Technical Group | As necessary. |
| Washington State Delegation | As necessary. |
| **Friday, March 9, 2007** | . |
| Council Secretariat | 7 a.m.. |
| California State Delegation | 7 a.m.. |
| Oregon State Delegation | 7 a.m.. |
| Enforcement Consultants | As necessary. |
| Salmon Advisory Subpanel | As necessary. |
| Salmon Technical Team | As necessary. |
| Tribal Policy Group | As necessary. |
| Tribal and Washington Technical Group | As necessary. |
| Washington State Delegation | As necessary. |

Although nonemergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

## Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at 503–820–2280 at least five days prior to the meeting date.

Dated: February 13, 2007.

**James F. Burgess,**

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

[FR Doc. E7–2742 Filed 2–15–07; 8:45 am]

**BILLING CODE 3510–22–S**

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[I.D. 021207E]**

## South Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a meeting of its Snapper Grouper Committee, Southeast Data, Assessment, and Review (SEDAR) Committee, Controlled Access Committee, Mackerel Committee, Scientific and Statistical Committee (SSC) Selection Committee, a joint meeting of its Habitat Committee and Ecosystem-Based Management Committee, Economics Committee, Shrimp Committee, Information and Education Committee, a joint meeting of its Executive Committee and Finance Committee, and a meeting of the full Council. In addition, the Council will also hold a public hearing regarding Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagics in the South Atlantic and Gulf of Mexico, and a general public input session.

**DATES:** The meetings will be held in March 2007. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held at the Jekyll Island Club Hotel, 371 Riverview Drive, Jekyll Island, GA

31527; telephone: (1–800) 535–9547 or (912) 635–2600; fax: (912) 635–2818. Copies of documents are available from Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer; telephone: (843) 571–4366 or toll free at (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net*.

**SUPPLEMENTARY INFORMATION:**

**Meeting Dates**

*1. Snapper Grouper Committee Meeting: March 5, 2007, 1:30 p.m. until 6 p.m., and March 6, 2007, from 8 a.m. until 12 noon.*

The Snapper Grouper Committee will receive reports and develop recommendations for: the gag grouper stock assessment from NOAA Fisheries, the Oculina Evaluation Report regarding the size and configuration of the Oculina Experimental Closed Area, and Amendment 14 to the Snapper Grouper Fishery Management Plan regarding marine protected areas (MPAs), including comments received regarding the Draft Environmental Impact Statement and transit issues. In addition, the Committee will receive a report on the status of Amendment 15 to the Snapper Grouper Fishery Management Plan (rebuilding for snowy grouper, black sea bass, and red porgy, etc.) and NOAA Fisheries' updates on the online quota monitoring system and the status of the permits/logbook/landings database and ability to tie landings to vessels. The Committee will also discuss allocations of species in the snapper grouper management complex.

*2. SEDAR Committee Meeting: March 6, 2007, 1:30 p.m. until 2:30 p.m. The SEDAR Committee will review actions from the SEDAR Steering Committee, discuss scientific research priorities, review appointees for SEDAR 15 (assessments for greater amberjack and white grunt), discuss the status of vermilion snapper update, and the process for establishing a total allowable catch (TAC).*

*3. Controlled Access Committee Meeting: March 6, 2007, 2:30 p.m. until 4:30 p.m.*

The Controlled Access Committee will meet to discuss the establishment of a Limited Access Privilege (LAP) Program Workgroup, review a list of nominees and meeting dates, and develop recommendations for appointing workgroup members. The Committee will also review a draft Action Plan for LAPs and develop recommendations.

*March 6, 2007, 4:30 p.m.* - The Council will hold a Public Input Session. Members of the public are invited to address the Council on items listed on the agenda or any other fishery issue that falls under the jurisdiction of the Council.

*March 6, 2007, 6 p.m.* - The Council will hold a Public Hearing for Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. The Amendment addresses changes in TAC for both king and Spanish mackerel and changes in the fishing year for Spanish mackerel.

*4. Mackerel Committee Meeting: March 7, 2007, 8 a.m. until 11 a.m.*

The Mackerel Committee will receive an overview of Amendment 18 timing issues and develop recommendations. The Committee will also review a draft scoping document for Amendment 16 (boundary and mixing issues, permits, and separate management plans from Gulf of Mexico Fishery Management Council) and make recommendations.

*5. Scientific and Statistical Committee (SSC) Selection Committee Meeting: March 7, 2007, 11 a.m. until 12 noon*

The SSC Selection Committee will meet to discuss new requirements affecting the SSC in the Magnuson-Stevens Fishery Conservation and Management Act amendments.

*6. Joint Habitat and Ecosystem-Based Management Committees Meeting: March 7, 2007, 1:30 p.m. until 4:30 p.m.*

The Habitat and Ecosystem-Based Management Committees will receive a presentation on Liquid Nitrogen Gas exploration and review and approve policy statements on energy and offshore aquaculture. The Committees will also review and approve the Deep Water Coral Research Plan and receive updates on the status of the Council's Fishery Ecosystem Plan (FEP) and FEP Comprehensive Amendment.

*7. Economics Committee Meeting: March 7, 2007, 4:30 p.m. until 6 p.m.*

The Economics Committee will review the Socioeconomics Section of the draft FEP and make recommendations. The Committee will also discuss development of a Socioeconomic Guidance Document and develop recommendations.

*8. Shrimp Committee Meeting: March 8, 2007, 8 a.m. until 10 a.m.*

The Shrimp Committee will review a report of the Shrimp Review Panel and provide recommendations, receive an overview of the ''use it or lose it'' provision for the rock shrimp fishery and develop recommendations, and discuss additional items to include in Amendment 6 to the Shrimp FMP and make recommendations.

*9. Information and Education Committee Meeting: March 8, 2007, 10 a.m. until 12 noon.*

The Information and Education Committee will receive an update on the Council website and provide recommendations.

*10. Joint Executive/Finance Committees Meeting: March 8, 2007, 1:30 p.m. until 3 p.m.*

The Executive and Finance Committees will meet to discuss the status of the Fiscal Year (FY) 2007 Congressional budget, review the Calendar Year (CY) 2007 FMP/Amendment/Framework timelines, develop CY 2007 activities schedule and budget, and discuss amendments to the reauthorized Magnuson-Stevens Act.

*11. Council Session: March 8, 2007, 3:30 p.m. until 6 p.m. and March 9, 2007, 8 a.m. until 12 noon*

*Council Session: March 8, 2007*

*From 3:30 p.m.—3:45 p.m.*, the Council will call the meeting to order, adopt the agenda, and approve the December 2006 meeting minutes.

*From 3:45 p.m.—4 p.m.*, the Council will receive a report from the Scientific and Statistical Committee regarding its December 2006 meeting.

*From 4 p.m.—5 p.m.*, the Council will hear a report from the Snapper Grouper Committee and take action as appropriate.

*From 5 p.m.—5:15 p.m.*, the Council will hear a report from the SEDAR Committee and take action as appropriate.

*From 5:15 p.m.—5:45 p.m.*, the Council will hear a report from the Controlled Access Committee and take action as appropriate.

*From 5:45 p.m.—6 p.m.*, the Council will hear a report from the Mackerel Committee and take action as appropriate.

*Council Session: March 9, 2007*

*From 8 a.m.—8:30 a.m.*, the Council will receive a NOAA General Counsel briefing on litigation issues (CLOSED SESSION).

*From 8:30 a.m.—8:45 a.m.*, the Council will receive a report from the SSC Selection Committee and take action as appropriate.

*From 8:45 a.m.—9 a.m.*, the Council will receive a report from the Joint

Habitat and Ecosystem-Based Committees and take action as appropriate.

*From 9 a.m.—9:15 a.m.*, the Council will receive a report from the Economics Committee and take action as appropriate.

*From 9:15 a.m.—9:30 a.m.*, the Council will receive a report from the Shrimp Committee and take action as appropriate.

*From 9:30 a.m.—9:45 p.m.*, the Council will receive a report from the Information and Education Committee and take action as appropriate.

*From 9:45 a.m.—10 a.m.*, the Council will receive a report from the Joint Executive/Finance Committees and take action as appropriate.

*From 10 a.m.—12 noon*, the Council will receive a report regarding the Council Chairmen's Meeting, receive status reports from NOAA Fisheries' Southeast Regional Office, NOAA Fisheries' Southeast Fisheries Science Center, agency and liaison reports, review Experimental Fishing Permit applications as necessary, and discuss other business including upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during these meetings. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Except for advertised (scheduled) public hearings and public comment, the times and sequence specified on this agenda are subject to change.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by March 1, 2007.

Dated: February 12, 2007.

**James P. Burgess,**

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

[FR Doc. E7–2738 Filed 2–15–07; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 021207H]**

### Fisheries of the Caribbean; Southeastern Data, Assessment, and Review (SEDAR); Caribbean queen conch; Caribbean yellowfin grouper; Caribbean mutton snapper; Public Meetings.

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

**ACTION:** Notice of SEDAR Workshops for Caribbean queen conch, yellowfin grouper, and mutton snapper.

**SUMMARY:** The SEDAR assessments of the Caribbean stocks of yellowfin grouper, mutton snapper, and queen conch will consist of a series of three workshops: a Data Workshop, an Assessment Workshop, and a Review Workshop. This is the fourteenth SEDAR.

**DATES:** The Data Workshop will take place March 12—16, 2007; the Assessment Workshop will take place June 4–8, 2007; the Review Workshop will take place July 23–27, 2007. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The Data Workshop and Assessment Workshop will be held at the Marriott Frenchmen's Reef, 5 Estate Bakkeroe, St. Thomas, USVI; telephone: (340) 776–8500. The Review Workshop will be held at Hotel El Convento, 100 Cristo Street, Old San Juan, Puerto Rico 00901; telephone: (787) 723–9036.

**FOR FURTHER INFORMATION CONTACT:** John Carmichael, SEDAR Coordinator, 4055 Faber Place Drive, North Charleston, SC 29405; telephone: (843) 571–4366.

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR includes three workshops: (1) Data Workshop, (2) Stock Assessment Workshop and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Stock Assessment Workshop is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The products of the Review Workshop are a Consensus Summary documenting Panel opinions regarding the strengths and weaknesses of the stock assessment and input data, and an Advisory Report summarizing stock status and recommending management criteria. Participants for SEDAR Workshops, appointed by the regional Fishery Management Councils, the Southeast Regional Office (SERO), and the Southeast Fishery Science Center (SEFSC), include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

**SEDAR 14 Workshop Schedule:**

**March 12–16, 2007; SEDAR 14 Data Workshop**

*March 12, 2007: 1 p.m.—8 p.m.; March 13–15, 2007: 8 a.m.—8 p.m.; March 16, 2007: 8 a.m.—1 p.m.*

An assessment data set and associated documentation will be developed during the Data Workshop. Participants will evaluate all available data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

**June 4–8, 2007. SEDAR 14 Assessment Workshop**

*June 4, 2007: 1 p.m.—8 p.m.; June 3–7, 2007: 8 a.m.—8 p.m.; June 8, 2007: 8 a.m.—1 p.m.*

Using datasets provided by the Data Workshop, participants will develop population models to evaluate stock status, estimate population benchmarks and Sustainable Fisheries Act criteria, and project future conditions. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters. Participants will prepare a workshop report, compare and contrast various assessment approaches, and determine whether the assessments are adequate for submission to the review panel.

**July 23–27, 2007. SEDAR 14 Review Workshop**

*July 23, 2007: 1 p.m.—8 p.m.; June 24–26, 2007: 8 a.m.—8 p.m.; July 27, 2007: 8 a.m.—1 p.m.*

The Review Workshop is an independent peer review of the assessment developed during the Data and Assessment Workshops. Workshop Panelists will review the assessment and document their comments and recommendations in a Consensus Summary. Panellists will summarize recommended population parameter estimates in an Advisory Report.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Dated: February 12, 2007.

**James P. Burgess,**

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

[FR Doc. E7–2737 Filed 2–15–07; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 07–13]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. J. Hurd, DSCA/DBO/CFM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 07–13 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: February 12, 2007.

**C.R. Choate,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001–06–M**

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

FEB 06 2007

**In reply refer to:**
**I-07/000461**

**The Honorable Nancy Pelosi**
**Speaker of the House of Representatives**
**Washington, DC 20515-6501**

**Dear Madam Speaker:**

**Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 07-13, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services estimated to cost $3.1 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.**

**Sincerely,**

JEFFREY B. KOHLER
LIEUTENANT GENERAL, USAF
DIRECTOR

**Enclosures:**
1. **Transmittal**
2. **Policy Justification**
3. **Sensitivity of Technology**

**Same ltr to:**

| **House** | **Senate** |
|---|---|
| **Committee on Foreign Affairs** | **Committee on Foreign Relations** |
| **Committee on Armed Services** | **Committee on Armed Services** |
| **Committee on Appropriations** | **Committee on Appropriations** |

Transmittal No. 07-13

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Australia

(ii) Total Estimated Value:

| | |
|---|---|
| Major Defense Equipment* | $1.4 billion |
| Other | $1.7 billion |
| TOTAL | $3.1 billion |

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 24 F/A-18F Super Hornet Aircraft, 48 F414-GE-402 installed engines, 6 F414-GE-402 spare engines, 24 AN/APG-79 Radar Systems, 24 AN/USQ-140 Multifunctional Informational Distribution System Low Volume Terminals, 30 AN/ALR-67(V)3 Electric Warfare Countermeasures Receiving Sets, 145 LAU-127 Guided Missile Launchers, and 30 AN/PVS-9 Night Vision Goggles. The proposal will include integration of the AN/ALE-47 Electronic Warfare Countermeasures Systems, Joint Helmet Mounted Cueing Systems, 12 Joint Mission Planning Systems, and AN/ALE-55 Fiber Optic Towed Decoys. Also included are system integration and testing, software development/integration, test sets and support equipment, spare and repair parts, maintenance and pilot training, software support, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics and program support.

(iv) Military Department: Navy (SAF)

(v) Prior Related Cases, if any: FMS case SBE - $2.1 billion - 1Dec81

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached

(viii) Date Report Delivered to Congress: [illegible]

* as defined in Section 47(6) of the Arms Export Control Act.

## POLICY JUSTIFICATION

Australia – F/A-18E/F Super Hornet Aircraft

The Government of Australia has requested a possible sale of 24 F/A-18E/F Super Hornet Aircraft, 48 F414-GE-402 installed engines, 6 F414-GE-402 spare engines, 24 AN/APG-79 Radar Systems, 24 AN/USQ-140 Multifunctional Informational Distribution System Low Volume Terminals, 30 AN/ALR-67(V)3 Electric Warfare Countermeasures Receiving Sets, 145 LAU-127 Guided Missile Launchers and 30 AN/PVS-9 Night Vision Goggles. The proposal will include integration of the AN/ALE-47 Electronic Warfare Countermeasures Systems, Joint Helmet Mounted Cueing Systems, 12 Joint Mission Planning Systems, and AN/ALE-55 Fiber Optic Towed Decoys. Also included are system integration and testing, software development/integration, test sets and support equipment, spare and repair parts, maintenance and pilot training, software support, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics and program support. The estimated cost is $3.1 billion.

Australia is an important ally in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. Australia's efforts in peacekeeping and humanitarian operations have made a significant impact to regional political and economic stability and have served U.S. national security interests. This proposed sale is consistent with those objectives and facilitates burden sharing with our allies.

Australia needs these aircraft for coalition operations. The proposed sale of F/A-18E/F aircraft will increase Australia's tactical aviation capabilities. An increase in capability will be accrued primarily due to the larger number of aircraft and the larger range and endurance of the F/A-18E/F.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be:

| | |
|---|---|
| Boeing Company | St. Louis, Missouri |
| General Electric Aircraft Engines | Lynn, Massachusetts |
| Data Link Solutions | Chesterfield, Missouri |
| BAE Systems | Rockville, Maryland |
| Northrup Grumman Corporation | Los Angeles, California |
| Raytheon Corporation | Andover, Maryland |
| Visions Systems International | San Jose, California |

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will require approximately eight contractor representatives to provide technical and logistics support in Australia for two years. U.S. Government and contractor representatives will also participate in program management and technical reviews for one-week intervals twice annually.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 07-13

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Classified
Item No. vii

(vii) Sensitivity of Technology:

1. The F/A-18E/F Super Hornet is a single- and two-seat, twin engine, multi-mission fighter/attack aircraft that can operate from either aircraft carriers or land bases. The F/A-18 fills a variety of roles: air superiority, fighter escort, suppression of enemy air defenses, reconnaissance, forward air control, close and deep air support, and day and night strike missions. The F/A-18E/F Weapon System is considered Secret.

a. The AN/APG-79 Active Electronically Scanned Array Radar System is classified Secret. The radar provides the F/A-18 aircraft with all-weather, multi-mission capability for performing air-to-air and air-to-ground targeting and attack. Air-to-air modes provide the capability for all-aspect target detection, long-range search and track, automatic target acquisition, and tracking of multiple targets. Air-to-surface attack modes provide high-resolution ground mapping navigation, weapon delivery, and sensor cueing. The system component hardware (Antenna, Transmitter, Radar Data Processor, and Power Supply) is Unclassified. The Receiver-Exciter hardware is Confidential. The radar Operational Flight Program (OFP) is classified Secret. Documentation provided with the AN/APG-79 radar set is classified Secret.

b. The AN/ALR-67(V)3 Electric Warfare Countermeasures Receiving Set is classified Confidential. The AN/ALR-67(V)3 provides the F/A-18F aircrew with radar threat warnings by detecting and evaluating friendly and hostile radar frequency threat emitters and providing identification and status information about the emitters to on-board Electronic Warfare (EW) equipment and the aircrew. The OFP and User Data Files (UDF) used in the AN/ALR-67(V)3 are classified Secret. Those software programs contain threat parametric data used to identify and establish priority of detected radar emitters.

c. The AN/ALE-47 Countermeasures Dispensing Systems is classified Secret. The AN/ALE-47 is a threat-adaptive dispensing system that dispenses chaff, flares, and expendable jammers for self-protection against airborne and ground-based Radio Frequency and Infrared threats. The AN/ALE-47 Programmer is classified Confidential. The OFP and Mission Data Files used in the AN/ALE-47 are classified

Secret. Those software programs contain algorithms used to calculate the best defense against specific threats.

d. The APX-111 Combined Interrogator/Transponder (CIT) with the Conformal Antenna System (CAS) is classified Secret. The CIT is a complete MARK-XII identification system compatible with Identification Friend or Foe (IFF) Modes 1, 2, 3/A, C and 4 (secure). A single slide-in module that can be customized to the unique cryptographic functions for a specific country provides the system's secure mode capabilities. As a transponder, the CIT is capable of replying to interrogation modes 1, 2, 3/A, C (altitude) and secure mode 4. The requirements is to upgrade Australia's Combined Interrogator Transponder (CIT) AN/APX-111 (V) IFF system software to implement Mode Select (Mode S) capabilities. Beginning in early 2005 EUROCONTROL mandated the civil community in Europe to transition to a Mode S only system and for all aircraft to be compliant by 2009. The Mode S Beacon System is a combined data link and Secondary Surveillance Radar (SSR) system that was standardized in 1985 by the International Civil Aviation Organization (ICAO). Mode S provides air surveillance using a data link with a permanent unique aircraft address. Selective Interrogation provides higher data integrity, reduced RF interference levels, increased air traffic capacity, and adds air-to-ground data link.

e. The Joint Mission Planning System (JMPS) will provide mission planning capability for support of military aviation operations. It will also provide support for unit-level mission planning for all phases of military flight operations and have the capability to provide necessary mission data for the aircrew. JMPS will support the downloading of data to electronic data transfer devices for transfer to aircraft and weapon systems. A JMPS for a specific aircraft type will consist of basic planning tools called the Joint Mission Planning Environment (JMPE) mated with a Unique Planning Component (UPC) provided by the aircraft program. In addition, UPCs will be required for specific weapons, communication devices, and moving map displays in order for proper Australia's Mission Planning.

f. The Solid State Recorder (SSR) capabilities will be both a replacement to the existing Cockpit Video Recording System (CVRS) as well as add capability to capture and store Electro-optical/Infrared (EO/IR) Imagery. Use of SSR technology will overcome numerous obsolescence issues with the existing CVRS, provides greater memory capacity, and allows for future network centric operations such as real-time/near-real time imagery in/out of cockpit.

g. The Joint Helmet Mounted Cueing System (JHMCS) is a modified HGU-55/P helmet that incorporates a visor-projected Heads-Up Display (HUD) to cue weapons and aircraft sensors to air and ground targets. In close combat, a pilot must currently align the aircraft to shoot at a target. JHMCS allows the pilot to simply look at a target to shoot. This system projects visual targeting and aircraft performance

information on the back of the helmet's visor, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy, the system uses a magnetic transmitter unit fixed to the pilot's seat and a magnetic field probe mounted on the helmet to define helmet pointing positioning. A Helmet Vehicle Interface (HVI) interacts with the aircraft system bus to provide signal generation for the helmet display. This provides significant improvement for close combat targeting and engagement. Hardware is Unclassified; technical data and documents are classified up to Secret.

h. The AN/PVS-9 Night Vision Goggles provide imagery sufficient for an aviator to complete night time missions down to starlight and extreme low light conditions. The AN/PVS-9 is designed to satisfy the F/A-18 mission requirements for covert night combat, engagement, and support. The third generation light amplification tubes provide a high-performance, image-intensification system for optimized F/A-18 night flying at terrain-masking altitudes. The AN/PVS-9 night vision goggles are classified as Unclassified but with restrictions on release of technologies.

i. The Multifunctional Informational Distribution System (MIDS) Low Volume Terminal (LVT) is classified Confidential. The MIDS LVT is a secure data and voice communication network using the Link-16 architecture. The system provides enhanced situational awareness, positive identification of participants within the network, secure fighter-to-fighter connectivity, secure voice capability, and ARN-118 TACAN functionality. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The MIDS LVT can be used to transfer data in Air-to-Air, Air-to-Surface, and Air-to-Ground scenarios. The MIDS enhanced Interference Blanking Unit (EIBU) provides validation and verification of equipment and concept. EIBU enhances input/output signal capacity of the MIDS LVT and addresses parts obsolescence.

j. The AN/ALE-55 Fiber-Optic towed Decoy improves aircraft survivability by providing an enhanced, coordinated onboard/off-board countermeasure response to enemy threats.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advance capabilities.

[FR Doc. 07–728 Filed 2–15–07; 8:45 am]
BILLING CODE 5001–06–C

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[DOD–2007–OS–0008]

### Notice of Availability of the Ballistic Missile Defense System Final Programmatic Environmental Impact Statement

**AGENCY:** Missile Defense Agency, Department of Defense.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of the Missile Defense Agency's (MDA) Ballistic Missile Defense System (BMDS) Final Programmatic Environmental Impact Statement (PEIS), which analyzes the potential impacts to the environment of MDA's proposal to develop, test, deploy, and plan for decommissioning an integrated BMDS. The PEIS addresses the integrated BMDS and the development and application of new technologies; evaluates the range of complex programs, architecture, and assets that comprise the BMDS; and

provides a framework for future environmental analyses as activities evolve and mature.

**DATES:** A Record of Decision will be issued no earlier than 30 days from the date of this notice.

Copies of the Final PEIS have been distributed to Federal, State, local agencies, and public officials that previously requested copies of the PEIS. Copies of the Final PEIS will be available at the following public libraries:

- Anchorage Municipal Library, 3600 Denali Street, Anchorage, AK 99503.
- Mountain View Branch Library, 150 S. Street, Anchorage, AK 99508.
- California State Library, Library and Courts Building, 914 Capitol Mall, Sacramento, CA 95814.
- Sacramento Public Library, 828 I Street, Sacramento, CA 95814.
- Hawaii State Library, Hawaii Documents Center, 478 South King Street, Honolulu, HI 96813.
- University of Hawaii at Manoa, Hamilton Library, 2550 The Mall, Honolulu, HI 96822.
- Arlington County Public Library, Central Branch, 1015 North Quincy Street, Arlington, VA 22201.
- District of Columbia Public Library, Central Branch—Martin Luther King, Jr. Memorial Library, 901 G Street NW., Washington, DC 20001.

Requests for electronic copies of the Final BMDS PEIS should be directed to MDA BMDS PEIS, c/o ICF International, 9300 Lee Highway, Fairfax, VA 22031; Phone (Toll-Free) 1–877–MDA–PEIS (1–877–632–7347); Fax (Toll-Free) 1–877–851–5451; E-mail *mda.bmds.peis@icfconsulting.com;* or Web site. An electronic version of the Final PEIS is available on the MDA Web site at *http://www.mda.mil/mdalink/html/enviro.html.*

**FOR FURTHER INFORMATION CONTACT:** Please call Mr. Rick Lehner, MDA Director of Public Affairs, at (703) 697–8997.

**SUPPLEMENTARY INFORMATION:** MDA has a requirement to develop, test, deploy, and prepare for decommissioning the BMDS to protect the United States, its deployed forces, friends, and allies from ballistic missile threats. The proposed action would provide an integrated BMDS using existing infrastructure and capabilities, when feasible, as well as emerging and new technologies, to meet current and evolving threats in support of the MDA's mission. Conceptually, the BMDS would be a layered system of weapons; sensors; Command and Control, Battle Management, and Communications (C2BMC); and support assets, each with specific functional capabilities, working together to defend against all classes and ranges of threat ballistic missiles in all phases of flight. Multiple defensive weapons would be used to create a layered defense comprised of multiple intercept opportunities along the incoming threat missile's trajectory. This would provide a layered defensive system of capabilities designed to back up one another.

On April 11, 2003, MDA initiated the public scoping process by publishing the Notice of Intent (NOI) to prepare the PEIS for the BMDS in the **Federal Register**. MDA held public scoping meetings in Arlington, Virginia; Sacramento, California; Anchorage, Alaska; and Honolulu, Hawaii. The Notice of Availability (NOA) of the MDA Ballistic Missile Defense System Draft PEIS was published in the **Federal Register** on September 17, 2004. This initiated a public review and comment period for the Draft PEIS. MDA held public hearings in Arlington, Virginia; Sacramento, California; Anchorage, Alaska; and Honolulu, Hawaii. MDA received approximately 8,500 comments on the Draft PEIS; MDA considered all of these comments in preparing the Final PEIS. Responses to all of the in-scope comments can be found in Appendix K of the PEIS. Three recurring issues of public concern-orbital debris, perchlorate, and radar impacts to wildlife-were addressed in more technical detail in Appendices L, M, and N of the PEIS.

**Alternatives Analysis**

The MDA considers two alternatives to implementing an integrated BMDS that address the use of weapons components from land-, sea-, air-, and space-based platforms in addition to the No Action alternative as required by the National Environmental Policy Act.

- *Alternative 1.* Under Alternative 1, the MDA would develop, test, deploy, and plan to decommission land-, sea-, and air-based platforms for BMDS weapons components and related architecture and assets. Alternative 1 would include space-based sensors, but would not include space-based defensive weapons.
- *Alternative 2.* Under Alternative 2, the MDA would develop, test, deploy, and plan to decommission land-, sea-, air-, and space-based platforms for BMDS weapons components and related architecture and assets. Alternative 2 would be identical to Alternative 1, with the addition of space-based defensive weapons.
- *No Action Alternative.* Under the No Action Alternative, the MDA would not develop, test, deploy, or plan for decommissioning activities for an integrated BMDS. Instead, the MDA would continue existing development and testing of discrete systems as stand-alone missile defense capabilities. Individual systems would continue to be tested but would not be subjected to System Integration Tests.

Dated: February 7, 2007.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

[FR Doc. E7–2433 Filed 2–15–07; 8:45 am]

**BILLING CODE 5001–06–P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Strategic Environmental Research and Development Program, Scientific Advisory Board

**AGENCY:** Department of Defense.

**ACTION:** Notice of open meeting.

**SUMMARY:** This Notice is published in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). The topic of the meeting on March 13–14, 2007 are to review new start and continuing research and development projects requesting Strategic Environmental Research and Development Program funds in excess of $1M. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

**DATES:** March 13, 2007 from 8:30 a.m. to 4:30 p.m. and March 14 from 8:30 a.m. to 11:30 a.m.

**ADDRESSES:** SERDP Program Office Conference Center, 901 North Stuart Street, Suite 804, Arlington, VA 22203.

**FOR FURTHER INFORMATION CONTACT:** Ms. Misa Jensen, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2126.

Dated: February 12, 2007.

**C.R. Choate,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 07–729 Filed 2–15–07; 8:45 am]

**BILLING CODE 5001–06–M**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

**[No. USAF–2007–0012]**

### Proposed Collection; Comment Request

**AGENCY:** Headquarters Air Force Space Command Nuclear C2 Systems Branch, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995*, Headquarters Air Force Space Command Nuclear C2 Systems Branch announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 17, 2007.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to HQ AFSPC/A4MC, ATTN: SMSgt John Storm, 150 Vadenberg St., Ste 1105, Peterson AFB CO 80914, or call HQ AFSPC/A4MC, Nuclear C2 Systems Branch at (719–554–4057).

*Title; Associated Form; and OMB Number:* Intercontinental Ballistic Missile Hardened Intersite Cable Right-of-Way Landowner Questionnaire; AF Form 3951; OMB Number 0701–0141.

*Needs and Uses:* The information collection requirement is used to report changes in ownership/lease information, conditions of missile cable route and associated appurtenances, and projected building/excavation projects. The information collected is used to ensure system integrity and to maintain a close contact public relations program with involved personnel and agencies.

*Affected Public:* Business or other for profit; Not-for-profit institutions.

*Annual Burden Hours:* 2000.

*Number of Respondents:* 8000.

*Responses per Respondent:* 1.

*Average Burden per Response:* 15 minutes.

*Frequency:* Biannual.

*Supplementary Information:*

**Summary of Information Collection**

Respondents are landowners/tenants. This form collects updated landowner/tenant information as well as data on local property conditions which could adversely affect the Hardened Intersite Cable System (HICS) such as soil erosion, projected/building projects, excavation plans, etc. This information also aids in notifying landowners/tenants when HCIS preventive or corrective maintenance becomes necessary to ensure uninterrupted Intercontinental Ballistic Missile command and control capability.

Dated: February 12, 2007.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 07–730 Filed 2–15–07; 8:45 am]

BILLING CODE 5001–06–M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

**[No. USAF–2007–0005]**

### Proposed Collection; Comment Request

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Retirement and Separation Division, Air Force Personnel Center, announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 17, 2007.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Retirement and Separation Division (DPPR), Air Force Personnel Center, 550 C Street West, Suite 3, ATTN: Gail Weber, Randolph AFB, TX 78150–4739 or call Ms. Gail Weber at 210–565–2461.

*Title, Form Number, and OMB Number:* Request for Approval of Foreign Government Employment of Air Force Members; OMB Number 0701–0134.

*Needs and Uses:* The information collection requirement is to obtain the information needed by the Secretary of the Air Force and Secretary of State on which to base a decision into approve/disapprove a request to work for a foreign government. This approval is specified by Title 37, United States Code, Section 908. This statute delegates such approval authority of Congress to the respective service secretaries and to the Secretary of the State.

*Affected Public:* Individuals and Households.

*Annual Burden:* 10.

*Number of Respondents:* 10.

*Responses Per Respondent:* 1.

*Average Burden Per Response:* 1 Hour.

*Frequency:* On Occasion.

**SUPPLEMENTARY INFORMATION:**

**Summary of Information Collection**

Respondents are Air Force retired members and certain Reserve members who have gained jobs with a foreign government and who must obtain approval of the Secretary of the Air Force and Secretary of State to do so. Information, in the form of a letter, includes a detailed description of duty, name of employer, Social Security Number, and statements specifying whether or not the employee will be compensated; declaring if employee will be required or plans to obtain foreign citizenship; declaring that the member will be required or plans to obtain foreign citizenship; declaring that the member will be required or plans to obtain foreign citizenship; declaring that the member will not be required to execute an oath of allegiance to the foreign government; verifying that the member understands that retired pay equivalent to the amount received from the foreign government may be withheld if he or she accepts employment with a foreign government before receiving approval. Reserve members only must include a request to be reassigned to Inactive Status List Reserve Section (Reserve Section Code RB). After verifying the status of the individual, the letter is forwarded to the Air Force Review Board for processing. If the signed letter is not included in the file, individuals reviewing the file cannot furnish the necessary information to the Secretary of the Air Force and Secretary of State on which a decision can be made. Requested information is necessary to maintain the integrity of the Request for Approval of Foreign Government Employment Program.

Dated: February 12, 2007.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 07–731 Filed 2–15–07; 8:45 am]

**BILLING CODE 5001–06–M**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Inland Waterways Users Board; Request for Nominations

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** Section 302 of Public Law 99–662 established the Inland Waterways Users Board. The Board is an independent Federal advisory committee. The Secretary of the Army appoints its 11 members. This notice is to solicit nominations for six (6) appointments or reappointments to two-year terms that will begin after August 1, 2007.

**ADDRESSES:** Office of the Assistant Secretary of the Army (Civil Works), Attention: Inland Waterways Users Board Nominations Committee, 108 Army Pentagon, Washington, DC 20310–0108.

**FOR FURTHER INFORMATION CONTACT:** Office of the Assistant Secretary of the Army (Civil Works), (703) 697–8986.

**SUPPLEMENTARY INFORMATION:** The selection, service, and appointment of Board members are covered by provisions of Section 302 of Public Law 99–662. The substance of those provisions is as follows:

a. *Selection.* Members are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be representative of waterborne commerce as determined by commodity ton-miles statistics.

b. *Service.* The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and rehabilitation priorities and spending levels for commercial navigation improvements, and report its recommendations annually to the Secretary and Congress.

c. *Appointment.* The operation of the Board and appointment of its members are subject to the Federal Advisory Committee Act (Pub. L. 92–463, as amended) and departmental implementing regulations. Members serve without compensation but their expenses due to Board activities are reimbursable. The considerations specified in Section 302 for the selection of the Board members, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

(1) *Carriers and Shippers.* The law uses the terms ''primary users and shippers.'' Primary users have been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers have been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Individuals are appointed to the Board, but they must be either a carrier or shipper, or represent a firm that is a carrier or shipper. For that purpose a trade or regional association is neither a shipper not primary user.

(2) *Geographical Representation.* The law specifies ''various'' regions. For the purpose of selecting Board members, the waterways subjected to fuel taxes and described in Public Law 95–502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Intracoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake Rivers System and Upper Willamette. The intent is that each region shall be represented by at least one Board member, with that representation determined by the regional concentration of the individual's traffic on the waterways.

(3) *Commodity Representation.* Waterway commerce has been aggregated into six commodity categories based on ''inland'' ton-miles shown in Waterborne Commerce of the United States. These categories are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All Other. A consideration in the selection of Board members will be that the commodities carried or shipped by those individuals or their firms will be reasonably representative of the above commodity categories.

d. *Nomination.* Reflecting preceding selection criteria, the current representation by the six (6) Board members whose terms will expire is one member each representing regions 1, 2, 4 and 5, and two members representing region 3. Also, four of these Board members represent carriers, one represents a shipper and one represents a carrier/shipper.

Two of the six members whose terms will expire are eligible for reappointment. Nominations to replace Board members whose terms expire may be made by individuals, firms or associations. Nominations will:

(1) State the region(s) to be represented.

(2) State whether the nominee is representing carriers, shippers or both.

(3) provide information on the nominee's personal qualifications.

(4) Include the commercial operations of the carrier and/or shipper with whom the nominee is affiliated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in a recent year (or years) using the waterway regions and commodity categories previously listed.

Nominations received in response to **Federally Register** notice published on February 17, 2006 (71 FR 8568) and notice published on July 7, 2006 (71 FR 38629) have been retained for consideration. Renomination is not required but may be desirable.

e. *Deadline for Nominations.* All nominations must be received at the address shown above no later than April 15, 2007.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 07–718 Filed 2–15–07; 8:45 am]

BILLING CODE 3710–92–M

## DEPARTMENT OF DEFENSE

### Department of the Army

### Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Detection and Discrimination of Anomalies in Breast Tissue Images

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application No. 11/340,375 entitled ''Medical Image Processing Methodology for Detection and Discrimination of Objects in Tissue,'' filed on January 26, 2006. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

**ADDRESSES:** Office of Research and Technology Applications, SDMC–RDTC–TDL (Ms. Susan D. McRae), Bldg. 5220, Von Braun Complex, Redstone Arsenal, AL 35898.

**FOR FURTHER INFORMATION CONTACT:** Ms. Joan Gilsdorf, Patent Attorney, e-mail: *joan.gilsdorf@smdc.army.mil;* (256) 955–3213 or Ms. Susan D. McRae, Office of Research and Technology Applications, e-mail: *susan.mcrae@smdc.army.mil;* (256) 955–1501.

**SUPPLEMENTARY INFORMATION:** The invention pertains to the implementation of image processing and response surface methodology algorithms to process images (*e.g.,* mammogram, magnetic resonance imaging (MRI), and ultrasound imagery) to provide improved detection of objects, such as anomalous masses in dense breast tissue, to better characterize these masses as cancerous or benign, and to identify the margins of cancerous tissue.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 07–720 Filed 2–15–07; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF DEFENSE

### Department of the Army

### Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Inducing and Sealing Cracks in Containment Vessels

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability of licensing of the invention set forth in U.S. Patent Application No. 11/460,593 entitled ''Method of Inducing and Sealing Cracks in Vessels,'' filed on July 27, 2006. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

**ADDRESSES:** Office of Research and Technology Applications, SDMC–RDTC–TDL (Ms. Susan D. McRae), Bldg. 5220, Von Braun Complex, Redstone Arsenal, AL 35898.

**FOR FURTHER INFORMATION CONTACT:** Ms. Joan Gilsdorf, Patent Attorney, e-mail: *joan.gilsdorf@smdc.army.mil*; (256) 955–3213 or Ms. Susan D. McRae, Office of Research and Technology Applications, e-mail: *susan.mcrae@smdc.army.mil*; (256) 955–1501.

**SUPPLEMENTARY INFORMATION:** The invention pertains to inducing and sealing cracks in newly constructed containment vessels, such as linerless composite tanks, that are subject to crack propagation during the life of the vessels. The cracks are sealed before the vessel is placed in service to prevent or reduce leakage of the fluids that are stored in the vessels.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 07–721 Filed 2–15–07; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Intent To Prepare a Draft Environmental Impact Statement for Restoring the Integrity of the Amite River and Restoring Various Natural Functions That Have Been Degraded or Lost as a Result of Human-Induced Factors, in All or Portions of Ascension, East Baton Rouge, East Feliciana, Livingston, St. Helena, and St. John Parishes, in Southeastern Louisiana

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers, New Orleans District, is initiating this study under the authority of the Committee on Transportation and Infrastructure of the United States House of Representatives resolution, adopted July 23, 1998, which reads as follows:

''Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives Resolution, that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Amite River and Tributaries, Louisiana, published as House Document 419, 84th Congress, 2nd Session, and other pertinent reports, with a view to determining whether modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection, water quality, and sediment control, recreation, and the avoidance or minimization of undesirable impacts resulting from urbanization and other present and future watershed activities.''

The study will determine the feasibility of reducing turbidity, lowering temperatures, and reducing the extent of the physical changes within the Amite River corridor in an effort to achieve fish and wildlife restoration and provide outdoor public recreation opportunities. This effort will significantly contribute to the watershed management objectives of the state of Louisiana.

The study area includes the Amite River drainage basin in southeastern Louisiana, in Ascension, East Baton Rouge, East Feliciana, Livingston, St.

Helena, and St. John Parishes. The Amite River and its tributaries flow southward from the state of Mississippi through the western ''Florida'' parishes of southeast Louisiana into Lake Maurepas, an oligohaline lake that drains into Lake Pontchartrain. The Amite River is used for recreation, propagation of fish and wildlife, and to a lesser extent, for water supply, navigation, and waste disposal. The Amite River has a large drainage area and an average flow of about 2,000 cubic feet per second (CFS) at Denham Springs. A section of the Amite River in East Feliciana Parish, from the Louisiana/Mississippi state line to Louisiana Highway 37 (LA 37) is included in Louisiana's Natural and Scenic Rivers System. The major urban areas in this watershed are Baton Rouge, Denham Springs, and Gonzales, which are situated along the lower third of the river.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the Environmental Impact Statement (EIS) should be addressed to Ms. Bonnie S. Obiol at U.S. Army Corps of Engineers, PM–RS, P.O. Box 60267, New Orleans, LA 70160–0267, phone (504) 862–2280, fax number (504) 862–2088 or by E-mail at *bonnie.s.obiol@mvn02.usace.army.mil.*

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action.* An ecological restoration project will be designed to maximize environmental benefits within the study area. The proposed action includes all or portions of several alternatives, identified below, that would improve the ecosystem and possibly reduce storm water flood stages as an ancillary benefit. Design features will be fully evaluated with respect to the latest engineering, economic, and environmental regulations for acceptability under current Federal laws and regulations. The results of the feasibility study will determine the preferred alternative.

*2. Alternatives.* The Amite River and Tributaries Ecosystem Restoration reconnaissance study considered several alternative plans for restoring the ecosystem in the study area. Four plans were determined to be economically justified and environmentally acceptable. The plans include: (1) Re-contouring and re-vegetating sterile and unstable abandoned tailing piles and un-vegetated abandoned mined areas in the immediate vicinity of the stream corridor, (2) as an increment to Alternative 1, including an additional 4,500 to 6,000 acres not immediately adjacent to the river by re-contouring and re-vegetating a total area of approximately 6,000 to 7,500 acres, (3) re-meandering abandoned bendways and loops of the Amite River in appropriate areas to recreate some of the historical meander loops or create new loops that would serve the same purpose, and (4) investigate recommendations of Best Management Practices (BMPs) for the sand and gravel industry, as well as other affected industries and urban areas in the study area for more stewardship for future habitat areas. The objective of the enactment of the BMPs would be to protect the restoration efforts undertaken by this project and other restorative measures by others and prevent reoccurrence of the degradation.

*3. Scoping.* Scoping is the process for determining the scope of alternatives and significant issues to be addressed in the EIS. For this analysis, a letter will be sent to all parties believed to have an interest in the analysis, requesting their input on alternatives and issues to be evaluated. The letter will also notify interested parties of public scoping meetings that will be held in the local area. Notices will also be sent to local news media. All interested parties are invited to comment at this time, and anyone interested in this study should request to be included in the study mailing list.

A public scoping meeting will be held in the spring of 2007. The meeting will be held in the vicinity of Baton Rouge, LA. Additional meetings could be held, depending upon interest and if it is determined that further public coordination is warranted.

*4. Significant Issues.* The tentative list of resources and issues to be evaluated in the EIS includes wetlands (marshes and swamps), aquatic resources, commercial and recreational fisheries, wildlife resources, essential fish habitat, water quality, air quality, threatened and endangered species, recreation and aesthetic resources, and cultural resources. Socioeconomic items to be evaluated in the EIS include navigation, flood protection, business and industrial activity, employment, land use, property values, public/community facilities and services, tax revenues, population, community and regional growth, transportation, housing, community cohesion, and noise.

*5. Environmental Consultation and Review.* The U.S. Fish and Wildlife Service (USFWS) will be assisting in the documentation of existing conditions and assessment of effects of project alternatives through Fish and Wildlife Coordination Act consultation procedures. The USFWS will provide a Fish and Wildlife Coordination Act report. Consultation will be accomplished with the USFWS and the National marine Fisheries Service (NMFS) concerning threatened and endangered species and their critical habitat. The NMFS will be consulted on the effects of this proposed action on Essential Fish Habitat. The draft EIS (DEIS) or a notice of its availability will be distributed to all interested agencies, organizations, and individuals.

*6. Estimated Date of Availability.* Funding levels will dictate the date when the DEIS is available. The earliest that the DEIS is expected to be available is in the summer of 2009.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 07–719 Filed 2–15–07; 8:45 am]

**BILLING CODE 3810–84–M**

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Intent To Prepare a Draft Supplement No. 1 to the Final Environmental Impact Statement for the Upper Trinity River, Central City Project, Fort Worth, TX

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** Section 116 of Pub. L. 108–447, dated December 8, 2004, authorized the U.S. Army Corps of Engineers' (Corps) participation in construction of the Central City project. A Final Environmental Impact Statement (FEIS) was completed for the Central City Project in Janauary 2006. A Record of Decision (ROD) recommending the Community-Based Alternative and determining it was technically sound and environmentally acceptable was signed by the Assistant Secretary of the Army for Civil Works (ASA (CW)) on April 7, 2006. An Interim Feasibility Report with Integrated Environmental Assessment (with signed Finding of No Significant Impact) for the Riverside Oxbow Project was approved by the Chief of Engineers on May 29, 2003. An addendum, dated April 2005, was prepared to address comments from the ASA (CW); however, neither construction funding nor authority for implementation of this project has been provided by Congress to date.

By letter dated June 22, 2006, the City of Fort Worth requested the Corps to evaluate the potential benefits of merging the Central City Project with the Riverside Oxbow project. They identified potential benefits including

greater opportunity for valley storage requirements, increased restoration opportunities, and cost savings. After an initial evaluation, the Corps determined that alternative areas along the West Fork of the Trinity River including areas within the Riverside Oxbow project had the potential to provide the required hydraulic mitigation, provide comparable ecosystem restoration outputs, reduce habitat mitigation requirements, and lower overall project costs.

These potential modifications to the projects may be substantial and a supplement to the Central City environmental impact statement should be prepared concurrently with a more detailed analysis. Therefore, this Notice of Intent to prepare Supplement No. 1 to the FEIS for the Central City project is being issued in accordance with the Council on Environmental Quality's NEPA implementing regulations at 40 CFR Parts 1500–1508.

**FOR FURTHER INFORMATION CONTACT:** Questions and scoping comments pertaining to this analysis and Draft Supplement to the EIS should be directed to Mr. Saji Puthenpurayel, Project Manager, CESWF–EC–D, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102–0300, (817) 886–1764.

**SUPPLEMENTARY INFORMATION:** The Central City project as authorized includes a flood bypass channel and flood gates to divert flood flows around a segment of the existing Trinity River channel adjacent to downtown Fort Worth, Samuels Avenue Dam to create an interior water feature, and hydraulic and ecological mitigation areas. The bypass channel is approximately 8,400 feet long, 300–400 feet wide, and would be approximately 30 feet below the existing grade. The bypass channel would begin at the Clear Fork downstream of West Seventh Street, interest the West Fork approximately 2,600 feet upstream of the existing confluence with the Clear Fork, and continue to the northeast terminating at the West Fork about 8,500 feet downstream of the existing confluence. The Corps component of the Central City Project was authorized for construction by Section 116 of Public Law 108–447, dated December 8, 2004. Under that authority, Corps participation is limited to $110 million with a total project cost $220 million for that portion of the infrastructure plan in which the Corps can participate.

Without hydraulic mitigation, the Central City project would result in a loss of valley storage due to the bypass channel being shorter and more efficient than the existing river channel. Valley storage sites are included in the existing authorized plan to compensate for this potential loss of storage. Four areas would provide the required valley storage; along the West Fork of the Trinity River upstream of the bypass channel (Riverbend/Rockwood), adjacent to University Drive, in the vicinity of the Samuels Avenue Dam, and slightly downstream of the proposed dam site in proximity to Riverside Park. Construction of the bypass channel and associated valley storage sites would not increase downstream water surface elevations or downstream flow.

Reestablishment of vegetation and habitat at the Riverbend/Rockwood site following construction activities were included in the authorized plan, partially for mitigation of project impacts to wetland, riparian, and terrestrial resources and partially for ecosystem restoration. Additional habitat mitigation measures were included along Ham Branch, a tributary of the West Fork of the Trinity River, which enters the system a short distance downstream of Highway 121. Approximately 305 feet of the existing channel would be relocated to provide adequate width for riparian forest development and existing riparian habitat would be improved along the remainder of the channel.

The Riverside Oxbow project area is adjacent to and immediately downstream of the Central City Project. The focus of the project is to restore the ecological integrity of aquatic and riparian systems along a portion of the natural Trinity River channel that was severed by construction of a realignment and enlargement of the West Fork of the Trinity River channel by non-Federal interests. The Interim Feasibility Report recommends implementation of the Locally Preferred Plan, which consists of the National Ecosystem Restoration (NER) Plan along with additional local features. The NER plan for the Riverside Oxbow will restore the biological integrity of the wetland and bottomland hardwood communities through a combination of measures directed at either specific habitat types or specific problems within the existing ecosystem.

The City's request to merge these projects recognized that each project is moving forward independently but they are located adjacent to one another. The City and the Tarrant Regional Water District expressed their opinion that based on their adjacency, there might be merit in combining the two projects. In their letter, the City of Forth Worth identified potential benefits of combining the two projects that would not be achieved if they proceed independently. These potential benefits included greater flexibility in selecting sites for the required valley storage mitigation, opportunity to increase restoration benefits, and cost savings.

In addition, during detailed design investigations it was determined that alternative locations of the proposed Samuel Avenue Dam should be evaluated due to geotechnical considerations. The amount of aquatic habitat impacted in marine and Lebow Creeks is affected by the location of Samuels Avenue Dam and will be considered during further site analysis.

In response to the City's letter request, the corps performed an initial evaluation and determined that alternative areas along the West Fork of the Trinity River including areas within the Riverside Oxbow project had the potential to provide the required hydraulic mitigation, provide comparable ecosystem restoration outputs, reduce habitat mitigation requirements, and lower project costs. Following review of this initial evaluation, Corps Headquarters directed that a detailed analysis be undertaken that evaluates the total hydraulic system including the Central City and Riveside Oxbow project areas. The Corps' approving offices acknowledged that to determine if and how either project should be modified, additional study, reporting, and environmental compliance would be required.

All affected Federal, State, and local agencies, affected Indian tribes, and other interested private local organizations and parties are hereby invited to participate in the development of the Draft SEIS. No Public Meetings have been scheduled at this time, however all agencies and other known interested entities will be informed by public notice to request their comments regarding the potential modifications. Coordination will continue with the U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department in accordance with the Fish and Wildlife Coordination Act. The Texas State Historic Preservation Office will be consulted as required by Section 106 of the National Historic Preservation Act. Potential modifications to the project will also be coordinated with the Texas Council on Environmental Quality to ensure any changes are in compliance with Section 401 of the Clean Water Act.

Dated: February 7, 2007.

**Christopher W. Martin,**

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 07–724 Filed 2–15–07; 8:45 am]

BILLING CODE 3710–20–M

## DEPARTMENT OF DEFENSE

### Department of the Navy

**[No. USN–2007–0013]**

### Proposed Collection; Comment Request

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Naval Sea Systems Command announces a proposed extension of a previously approved public information collection and seeks public comment on the provisions thereof. Comments are invited 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 information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 17, 2007.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.
- *Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request additional information or to obtain a copy of the proposal and associated collection instruments, write to Commander, Naval Sea Systems Command (SEA 04Z3), 1333 Isaac Hull Avenue, SE., STOP 4030, Washington Navy Yard, DC 20376–4030, or contact Connie Gerow or Len Thompson at (202) 781–4074 or (202) 781–1832, respectively.

*Title: Associated Form; and OMB Number:* Facilities Available for the Construction or Repair or Ships; Standard Form 17, OMB Control Number 0703–0006.

*Needs and Uses:* This collection of information provides NAVSEASYSCOM and the Maritime Administration with a list of facilities available for construction or repair of ships, and information utilized in a database for assessing the production capacity of the individual shipyards. Respondents are businesses involved in shipbuilding and/or repair.

*Affected Public:* Businesses or other for profit institutions.

*Annual Burden Hours:* 520.

*Number of Respondents:* 130.

*Responses Per Respondent:* 1.

*Average Burden Per Response:* 4 hours.

*Frequency:* Annually and as requested.

**SUPPLEMENTARY INFORMATION:**

#### Summary of Information Collection

This collection of information provides NAVSEASYSCOM and the Maritime Administration with a list of facilities available for construction or repair of ships, and information utilized in a database for assessing the production capacity of the individual shipyards. Respondents are businesses involved in shipbuilding and/or repair.

Dated: February 12, 2007.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 07–732 Filed 2–15–07; 8:45 am]

**BILLING CODE 5007–06–M**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Information on Surplus Land at a Military Installation Designated for Disposal: NAS, Brunswick, ME

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** This notice provides information on the surplus property at Naval Air Station (NAS), Brunswick, ME.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993 or Mr. David Drozd, Director, Base Realignment and Closure Program Management Office, Northeast, 4911 South Broad Street, Philadelphia, PA 19112–1303, telephone 215–897–4909.

**SUPPLEMENTARY INFORMATION:** In 2005, NAS, Brunswick, ME, was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (DON) and available to other Department of Defense components and other Federal agencies. The DON has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

*Notice of Surplus Property.* Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at NAS, Brunswick, ME, is published in the **Federal Register**.

*Redevelopment Authority.* The local redevelopment authority (LRA) for NAS, Brunswick, ME, is the Brunswick Local Redevelopment Authority. The point of contact is Mr. Steve Levesque, Executive Director, Fort Andross, 14 Maine Street, Box 17, Brunswick, ME 04011, telephone 207–798–6512.

*Surplus Property Description.* The following is a list of the land and facilities at NAS, Brunswick, along with the following off-site components: McKeen Street Housing Area, East Brunswick Radio Transmitter Site, and Sabino Hill Rake Station that are surplus to the needs of the Federal Government.

#### Main Base

a. *Land.* NAS, Brunswick, ME—Main Base consists of approximately 3,045 acres of improved and unimproved fee simple land, and includes 26 acres situated north of Bath Road, located within Cumberland County and the Town of Brunswick. In general, the area will be available when the installation closes in September 2011. However, approximately 115 acres of the main base, which is improved with 342 units of housing, garages, a maintenance building, and a butler building, is currently outleased to Northeast Housing LLC. Since the lease expires October 31, 2054, the housing area will be available subject to the lease.

Not included in this notice of surplus are the 342 units of housing, garages, maintenance building, and butler building. These improvements are owned by Northeast Housing LLC.

This surplus notice also does not include three parcels of land designated

for federal transfer. The first parcel is approximately 51 acres of primarily undeveloped property within the Weapons Compound located in the southern portion of the installation. This area will be transferred to the Department of the Army on or before operational closure. The second parcel consists of approximately 11.2 acres at the existing Nationwide Differential Global Positioning System site and includes unimproved and improved land and associated facilities. This area will be transferred to the U.S. Coast Guard on or before operational closure. The third parcel consists of approximately 10 acres and includes the Tower/Radar Approach Control Facility. This area will be transferred to the Federal Aviation Administration on or before operational closure.

b. *Buildings.* The following is a summary of the buildings and other improvements located on the above-described Main Base land that will also be available when the installation closes.

(1) *Aviation buildings* (7 structures). Comments: Approximately 523,659 square feet, includes hangars. Approximately 1,145,568 square yards of aviation facilities (13 structures), includes taxiways, dual runways, parking aprons, line vehicle parking, etc.

(2) *Administrative/training facilities* (16 structures). Comments: Approximately 114,447 square feet.

(3) *Bachelor Quarters* (21 structures). Comments: Approximately 319,209 square feet.

(4) *Maintenance Production Facilities* (65 structures). Comments: Approximately 301,526 square feet, includes public works shop, auto equipment repair shop, operations buildings, support buildings/facilities, etc.

(5) *Storage/Warehouse Facilities* (15 structures). Comments: Approximately 90,700 square feet. Approximately 18,204 square yards of open storage, including loading platform, storage yard, etc.

(6) *Community Support Facilities* (25 structures). Comments: Approximately 276,559 square feet, includes community facility, physical fitness facility, service station, bowling center, chapel, Navy Exchange retail complex, indoor fitness center, child care center, family services center, picnic shelter, auto hobby shop, Navy lodge, recycling center, etc. Approximately 175,000 square yards of athletic fields, playing courts, etc.

(7) *Miscellaneous facilities* (13 structures). Comments: Approximately 57,770 square feet, includes fire rescue facility, vet clinic, medical/dental clinic, etc.

(8) *Paved areas* (roads). Comments: Approximately 372,928 square yards consisting of roads and other similar pavements. Approximately 365,555 square yards consisting of other surface areas, i.e., parking areas, sidewalks, etc.

(9) *Utility facilities* (approximately 8 structures). Comments: measuring systems vary; storm sewer, sanitary sewer, electric, and water.

**McKeen Street Housing Area**

a. *Land.* NAS, Brunswick, ME—McKeen Street Housing Area consists of approximately 70 acres of improved and unimproved fee simple land located within Cumberland County and the Town of Brunswick. In general, the area will be available when the installation closes in September 2011. However, the land, formerly known as ''Capehart Housing,'' which is improved with 231 units of housing, garages, a community center, and a storage building, is currently outleased to Northeast Housing LLC. Since the lease expires October 31, 2054, the property will be available subject to the lease.

Not included in this notice of surplus are the Housing Quarters (231 units of housing), garages, a community center, a maintenance building, and paved areas (roads and pavements). These improvements are owned by Northeast Housing LLC.

b. *Improvements.* The following is a summary of the improvements located on the above-described McKeen Street land that will also be available when the installation closes.

(1) *Utility facilities* (approximately 4 structures). Comments: measuring systems vary; storm drainage, sanitary sewer, electrical distribution, water distribution, etc.

**East Brunswick Radio Transmitter Site**

a. *Land.* NAS, Brunswick, ME—East Brunswick Radio Transmitter Site consists of approximately 66 acres of improved and unimproved fee simple land located within Cumberland County and the Town of Brunswick. In general, the area will be available when the installation closes in September 2011.

**Sabino Hill Rake Station**

a. *Land.* NAS, Brunswick, ME—Sabino Hill Rake Station consists of approximately 0.23 acre of improved and unimproved fee simple land located within Sagadahoc County and the Town of Phippsburg. In general, the area will be available when the installation closes in September 2011.

b. *Buildings.* The following improvements, located on the above-described Sabino Hill land, will also be available when the installation closes.

(1) *Miscellaneous building* (1 structure), Rake Tower.

(2) *Paved areas* (roads). Comments: 67 square yards.

*Redevelopment Planning.* Pursuant to section 2905(b)(7)(F) of the Act, the Brunswick LRA will conduct a community outreach effort with respect to the surplus property, and will publish, within 30 days of the date of this notice, in a newspaper of general circulation in the communities within the vicinity of NAS, Brunswick, ME, the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, and telephone number of the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: February 9, 2007.

**M.A. Harvison,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. E7–2762 Filed 2–15–07; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 19, 2007.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 12, 2007.

**Leo J. Eiden,**

*Director, Regulatory Information Management Services Office of Management.*

### Office of Special Education and Rehabilitative Services

*Type of Review:* Reinstatement.

*Title:* State Plan for Independent Living and Center for Independent Living Programs (SPIL).

*Frequency:* Every three years.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs; Not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 56.

*Burden Hours:* 3,360.

*Abstract:* States wishing to receive funding under the State Independent Living Services (SILS) and Centers for Independent Living (CIL) programs must submit an approvable three-year State Plan for Independent Living (SPIL) to the Rehabilitation Services Administration (RSA). The purpose of these programs is to promote the independent living philosophy—based on consumer control, peer support, self-help, self-determination, equal access and individual and systems advocacy—to maximize the leadership, empowerment, independence and productivity of individuals with significant disabilities and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society. The SPIL encompasses the activities planned by the State to achieve its specified independent living objectives and reflects the State's commitment to comply with all applicable statutory and regulatory requirements during the three years covered by the plan.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3236. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–2717 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 19, 2007.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 12, 2007.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services Office of Management.*

### Office of Vocational and Adult Education

*Type of Review:* Revision.

*Title:* Community Technology Centers Program.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs; Not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 14.

*Burden Hours:* 336.

*Abstract:* To enable the Department to promote the accountability of projects funded under this program, grantees are required to submit to the Secretary a final performance report that: (1) Summarizes project progress with respect to the specific, measurable goals, objectives, and outcomes proposed in the management plan; (2) summarizes project impact with respect to the achievement of participants, as

measured by a range of appropriate performance measures, as identified below; (3) identifies barriers to progress as well as solutions, and (4) provides information about the project's success in identifying funding to sustain its operations after the cessation of the grant.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3264. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–2718 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 19, 2007.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 12, 2007.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

### Federal Student Aid

*Type of Review:* Extension.

*Title:* Guaranty Agency Financial Report.

*Frequency:* Monthly, Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 612.

*Burden Hours:* 33,660.

*Abstract:* The Guaranty Agency Financial Report is used to request payments from and make payments to the Department of Education under the Federal Family Education Loan (FFEL) program authorized by Title IV, Part B of the Higher Education Act (HEA) of 1965, as amended. The report is also used to monitor the agency's financial activities, including activities concerning its federal fund; operating fund and the agency's restricted account.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3239. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–2779 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 19, 2007.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, *Attention:* Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 12, 2007.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services Office of Management.*

### Office of the Chief Financial Officer

*Type of Review:* Extension.

*Title:* Streamlined Clearance Process for Discretionary Grant Information Collections.

*Frequency:* Annually.

*Affected Public:* Not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 1.

*Burden Hours:* 1.

*Abstract:* The information collection plan provides the U.S. Department of Education with the option of submitting its discretionary grant information collections through a streamlined Paperwork Reduction Act clearance process which does not fit under the Generic Application (1890–0009). This streamlined clearance process will begin when the Department submits the information collection to the Office of Management and Budget (OMB) and, at the same time, publishes a 30-day public comment period notice in the **Federal Register**.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3240. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–2781 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before April 17, 2007.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. *Each proposed information collection, grouped by office, contains the following:* (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 12, 2007.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

### Federal Student Aid

*Type of Review:* Revision.

*Title:* Fiscal Operations Report for 2006–2007 and Application to Participate for 2008–2009 (FISAP) and Reallocation Form E40–4P.

*Frequency:* Annually.

*Affected Public:* Not-for-profit institutions; Businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 5,798.

*Burden Hours:* 27,936.

*Abstract:* This application data will be used to compute the amount of funds needed by each school for the 2008–2009 award year. The Fiscal Operations Report data will be used to assess program effectiveness, account for funds expended during the 2006–2007 award year, and as part of the school funding process. The Reallocation form is part of the FISAP on the web. Schools will use it in the summer to return unexpended funds for 2006–2007 and request supplemental Federal Work-Study (FWS) funds for 2007–2008.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3279. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be

electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–2782 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Improving Literacy through School Libraries Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice of final priority.

**SUMMARY:** The Deputy Secretary of Education announces a priority under the Improving Literacy Through School Libraries Program. The Deputy Secretary may use this priority for competitions in fiscal year (FY) 2007 and later years. We take this action to allow for the best use of Federal funding to improve school library media centers in low-income communities. We intend for this priority to help strengthen the connection between school libraries and the instructional programs in these schools and districts.

**EFFECTIVE DATE:** This priority is effective March 19, 2007.

**FOR FURTHER INFORMATION CONTACT:** Irene Harwarth, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W227, Washington, DC 20202–6200. Telephone: (202) 401–3751 or via Internet: *Irene.Harwarth@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 contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The purpose of the Improving Literacy Through School Libraries Program (LSL) is to improve student reading skills and academic achievement by providing students with increased access to up-to-date school library materials; well-equipped, technologically advanced school library media centers; and well-trained, professionally certified school library media specialists. Entities eligible for funding are local educational agencies (LEAs) in which 20 percent of the students served by the LEA are from families with incomes below the poverty line. These entities include public school districts, and may also include charter schools, regional service agencies, and State-administered schools that are considered public school districts by their State educational agency. Grantees use this funding to update their school library media center collections, improve technology and Internet access for their school library media centers, extend the hours of their school library media centers, and provide professional development for school library media specialists.

The LSL program has been in existence for four years. Over this four-year period, we have found that the most successful projects are similar in the following two ways: (1) They have provided a comprehensive array of services (such as extended library hours and professional development in addition to updated book collections and improved technology and internet access); and (2) they have had significant support from principals, teachers, and parents. Based on what we know to be successful practice, we sought to establish a priority that more closely links the proposed project to the school and district through alignment with a school or district improvement plan. We also intended this priority to encourage applicants to offer a comprehensive array of allowable program services.

We published a notice of proposed priority for this program in the **Federal Register** on December 20, 2006 (71 FR 76280).

There are no differences between the notice of proposed priority and this notice of final priority.

### Public Comment

In the notice of proposed priority, we invited comments on the proposed priority. Four of the only substantive comments we received suggested changes the law does not authorize us to make under the applicable statutory authority. Of the remaining two substantive comments, one commenter suggested encouraging individuals from local speaking and drama organizations to come to school libraries to read to children. An additional commenter, while supportive of the priority, asked for bonus points for districts that have applied and been unsuccessful in past competitions. Program officials decided that it would not be beneficial to the competition to incorporate these ideas at this time, and therefore no changes have been made to the priority.

**Note:** This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**. When inviting applications we designate the priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority we give competitive preference to an application by either (1) Awarding additional points, depending on how well or the extent to which the application meets the competitive priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

*Priority:* Under this priority, we give priority to projects that demonstrate in their grant applications that the proposed literacy project services are comprehensive and aligned with a school or district improvement plan. A school improvement plan may include the required two-year plan (under section 1116(b)(3) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001) that addresses the academic issues that caused a school to be identified as in need of improvement. The plan could also include a voluntary plan developed by the school or district to improve academic achievement. The applicant must clearly describe the improvement plan that is in place, whether it is for the school or the entire district, the reasons why the plan was put in place, and how the proposed project and the operation of the school library media center will directly support the academic goals established in the improvement plan.

### Executive Order 12866

This notice of final priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of final priority are those resulting from statutory requirements and those we have determined as

necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of final priority, we have determined that the benefits of the final priority justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

We fully discussed the costs and benefits in the notice of proposed priority.

**Intergovernmental Review**

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

**Electronic Access to This Document**

You may view this document, as well as all other Department of Education documents 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.

You may also view this document in text at the following site: *http://www.ed.gov/programs/lsl*.

**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*.

(Catalog of Federal Domestic Assistance Number 84.364A Improving Literacy through School Libraries Program)

**Program Authority:** 20 U.S.C. 6383.

Dated: February 13, 2007.

**Raymond Simon,**

*Deputy Secretary of Education.*

[FR Doc. E7–2822 Filed 2–15–07; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

## Office of Elementary and Secondary Education Overview Information; Improving Literacy Through School Libraries Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.364A.

**DATES:** *Applications Available:* February 16, 2007.

*Deadline for Transmittal of Applications:* April 2, 2007.

*Deadline for Intergovernmental Review:* June 1, 2007.

*Eligible Applicants:* Local educational agencies (LEAs) in which at least 20 percent of the students served by the LEA are from families with incomes below the poverty line based on the most recent satisfactory data available from the U.S. Census Bureau at the time this notice is published. These data are Small Area Income and Poverty Estimates for school districts for income year 2004. A list of LEAs with their family poverty rates (based on these Census Bureau data) is posted on our Web site at: *http://www.ed.gov/programs/lsl/eligibility.html.*

*Estimated Available Funds:* The Administration has requested $19,486,000 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. Contingent upon the availability of funds and quality of applications, the Secretary may make additional awards in FY 2008 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* $30,000—$300,000.

**Note:** Actual award amounts will be based on the number of schools and students served by the project.

*Estimated Average Size of Awards:* $190,000.

*Estimated Number of Awards:* 100.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* The purpose of this program is to improve student reading skills and academic achievement by providing students with increased access to up-to-date school library materials; well-equipped, technologically advanced school library media centers; and well-trained, professionally certified school library media specialists.

*Priority:* This priority is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register.**

*Competitive Preference Priority:* For FY 2007, and any subsequent year in which we make awards based on the lists of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 5 points to an application, depending on how well the application meets this priority.

Under this priority, we give priority to projects that demonstrate in their grant applications that the proposed literacy project services are comprehensive and aligned with a school or district improvement plan. A school improvement plan may include the required two-year plan (under section 1116(b)(3) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001) that addresses the academic issues that caused a school to be identified as in need of improvement. The plan could also include a voluntary plan developed by the school or district to improve academic achievement. The applicant must clearly describe the improvement plan that is in place, whether it is for the school or the entire district, the reasons why the plan was put in place, and how the proposed project and the operation of the school library media center will directly support the academic goals established in the improvement plan.

**Program Authority:** 20 U.S.C. 6383.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The notice of final clarification of eligible local activities, published in the **Federal Register** on April 5, 2004 (69 FR 17894). (c) The notice of final priority, published elsewhere in this issue of the **Federal Register**.

**II. Award Information**

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration has requested $19,486,000 for this program for FY 2007. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications now to allow enough time to complete the grant process if Congress appropriates funds for this program. Contingent upon the availability of

funds and quality of applications, the Secretary may make additional awards in FY 2008 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* $30,000–$300,000.

**Note:** Actual award amounts will be based on the number of schools and students served by the project.

*Estimated Average Size of Awards:* $190,000.

*Estimated Number of Awards:* 100.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

## III. Eligibility Information

1. *Eligible Applicants:* LEAs in which at least 20 percent of the students served by the LEA are from families with incomes below the poverty line based on the most recent satisfactory data available from the U.S. Census Bureau at the time this notice is published. These data are Small Area Income and Poverty Estimates for school districts for income year 2004. A list of LEAs with their family poverty rates (based on these Census Bureau data) is posted on our Web site at: *http://www.ed.gov/programs/lsl/eligibility.html.*

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching but does involve supplement-not-supplant funding provisions. Funds made available under this program must be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities (20 U.S.C. 6383(i)).

## IV. Application and Submission Information

1. *Address To Request Application Package:* You may obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet use the following addresses: *http://www.grants.gov* or *http://www.ed.gov/programs/lsl/applicant.html.* To obtain a copy from ED Pubs, write or call the following: 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 84.364A.

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 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 program. An Eligibility Form is included in the application package. You must fill out the Eligibility Form, following the instructions provided in the application package.

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. You must limit Part III to the equivalent of no more than 15 pages, using the following standards:

- A ''page'' is 8.5″ x 11″; on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including 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, budget section, including the narrative budget justification; Part VI, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III. Charter schools and State administered schools must include some form of documentation from their State educational agency (SEA) confirming eligibility for this program. This documentation is not counted toward the page limit.

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.

Appendices to the narrative are not permitted, with the exception of resumes and endnotes. None of the material sent as appendices to the narrative, with the exception of resumes and endnotes, will be sent to the reviewers.

3. *Submission Dates and Times:*

*Applications Available:* February 16, 2007.

*Deadline for Transmittal of Applications:* April 2, 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:* June 1, 2007.

4. *Intergovernmental Review:* This program 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 program.

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 Improving Literacy Through School Libraries program, CFDA Number 84.364A must be submitted electronically using the Governmentwide Grants.gov Apply site at *http//www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions.

Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Improving Literacy Through School Libraries program at *http://www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.*, search for 84.364, not 84.364A).

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 competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you 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 Education 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: Irene Harwarth, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W227, Washington, DC 20202–6200, Fax: (202) 260–8969; or Miriam Lund, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W258, Washington, DC 20202–6200, Fax: (202) 260–8969.

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 84.364A), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.364A), 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, 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.

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 84.364A), 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 program are from section 1251 of the ESEA and 34 CFR 75.210 and are as follows. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses. We evaluate an application by determining how well the proposed project meets the following criteria:

(a) *Meeting the purpose of the statute* (5 points). How well the proposed project addresses the intended outcome of the statute: To improve student reading skills and academic achievement by providing students with increased access to up-to-date school library materials; a well-equipped, technologically advanced school library media center; and well-trained, professionally certified school library media specialists.

(b) *Need for school library resources* (5 points). How well the applicant demonstrates the need for school library media improvement, based on the age and condition of school library media resources, including book collections; access of school library media centers to advanced technology; and the availability of well-trained, professionally certified school library media specialists, in schools served by the applicant.

(c) *Use of funds* (40 points). How well the applicant will use the funds made available through the grant to carry out one or more of the following activities that meet its demonstrated needs:

(1) Acquiring up-to-date school library media resources, including books.

(2) Acquiring and using advanced technology, incorporated into the curricula of the school, to develop and enhance students' skills in retrieving and making use of information and in critical thinking.

(3) Facilitating Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries.

(4) Providing professional development (as described in the notice of final clarification of eligible local activities published in the **Federal Register** on April 5, 2004 (69 FR 17894)) for school library media specialists that is designed to improve literacy in grades K–3, and for school library media specialists as described in section 1222(d)(2) of the ESEA and providing activities that foster increased collaboration between school library media specialists, teachers, and administrators.

(5) Providing students with access to school libraries during non-school hours, including the hours before and after school, during weekends, and during summer vacation periods.

(d) *Quality of the management plan* (20 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.

(e) *Broad-based involvement and coordination* (20 points). How well the

applicant will extensively involve school library media specialists, teachers, administrators, and parents in the proposed project activities and effectively coordinate the funds and activities provided under this program with other literacy, library, technology, and professional development funds and activities.

(f) *Evaluation of quality and impact* (10 points). How well the applicant will collect and analyze data on the quality and impact of the proposed project activities, including the extent to which the availability of, the access to, and the use of up-to-date school library media resources in the elementary schools and secondary schools served by the applicant increase; and the impact of the project on the reading skills of students.

2. *Review and Selection Process:* An additional factor we consider in selecting an application for an award is the equitable distribution of grants across geographic regions and among LEAs serving urban and rural areas.

## 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:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary.

4. *Performance Measures:* In response to the Government Performance and Results Act (GPRA), the Department developed two measures for evaluating the overall effectiveness of the Improving Literacy Through School Libraries program. These measures gauge improvement in student achievement and resources in the schools and districts served by the Improving Literacy Through School Libraries program by assessing increases in: (1) The percentage of participating schools and districts that exceed State adequate yearly progress targets under ESEA Title I for reading achievement for all students; and (2) The school library media collections at participating schools, compared to schools not participating in the program.

The Department will collect data for these measures from grantees' final performance reports and other data sources.

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Irene Harwarth, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W227, Washington, DC 20202–6200. Telephone: (202) 401–3751 or by e-mail: *Irene.Harwarth@ed.gov*, or Miriam Lund, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W258, Washington, DC 20202–6200. Telephone: (202) 401–2871 or by e-mail: *Miriam.Lund@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: February 13, 2007.

**Raymond Simon,**

*Deputy Secretary of Education.*

[FR Doc. E7–2821 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

## Office of Elementary and Secondary Education Overview Information; Office of Indian Education—Professional Development; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.299B.

**DATES:** *Applications Available:* February 16, 2007.

*Deadline for Transmittal of Applications:* March 19, 2007.

*Deadline for Intergovernmental Review:* May 17, 2007.

*Eligible Applicants:* Eligible applicants for this program are institutions of higher education, including Indian institutions of higher education; State educational agencies or local educational agencies in a consortium with institutions of higher education; Indian tribes or organizations in consortium with institutions of higher education; and Bureau of Indian Affairs-funded schools.

An application from a consortium of eligible entities must meet the requirements of 34 CFR 75.127 through 75.129. An application from a consortium of eligible entities must submit the consortium agreement, signed by all parties, with the application. Letters of support do not meet the requirement for a consortium agreement.

In order to be considered an eligible entity, applicants, including institutions of higher education, must be eligible to provide the level and type of degree proposed in the application or must apply in a consortium with an institution of higher education that is eligible to grant the target degree.

Applicants applying in a consortium with or as an ''Indian organization'' must demonstrate eligibility by showing how the ''Indian organization'' meets all the criteria outlined in 34 CFR 263.3.

The term ''Indian institution of higher education'' means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*), and Dine College (formerly Navajo Community College), authorized in the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a *et seq.*).

We will reject any application that does not meet these requirements.

*Estimated Available Funds:* The Administration has requested

$19,399,000 for this program for FY 2007, of which $2,901,000 are available for new awards. 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.

*Estimated Range of Awards:* $125,000–$400,000.

*Estimated Average Size of Awards:* $322,333.

*Maximum Award:* We will reject any application that proposes a budget exceeding $400,000 for the first, second, or third 12-month budget periods. The last 12-month budget period of a 48-month award will be limited to induction services only, at a cost not to exceed $90,000. The Assistant Secretary may change the maximum amount through a notice published in the **Federal Register**.

*Estimated Number of Awards:* 9.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months.

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* The purpose of the Professional Development program is to (1) Increase the number of qualified Indian individuals in professions that serve Indians; (2) provide training to qualified Indian individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and (3) improve the skills of qualified Indian individuals who serve in the education field. Activities may include, but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

*Priorities:* This competition contains two absolute priorities, two competitive preference priorities, and an invitational priority within Absolute Priority One. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute and competitive preference priorities are from the regulations for this program (34 CFR 263.5(a), (b), and (c)(1) and (2)).

*Absolute Priorities:* For FY 2007 these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one or both of these priorities.

These priorities are:

*Absolute Priority One—Pre-Service Training for Teachers*

A project that provides support and training to Indian individuals to complete a pre-service education program that enables these individuals to meet the requirements for full State certification or licensure as a teacher through—

(1)(i) Training that leads to a bachelor's degree in education before the end of the award period;

(ii) For States allowing a degree in a specific subject area, training that leads to a bachelor's degree in the subject area so long as the training meets the requirements for full State teacher certification or licensure; or

(iii) Training in a current or new specialized teaching assignment that requires at least a bachelor's degree and in which a documented teacher shortage exists; and

(2) One-year induction services after graduation, certification, or licensure, provided during the award period to graduates of the pre-service program while they are completing their first year of work in schools with significant Indian student populations.

**Note:** In working with various institutions of higher education and State certification/licensure requirements, we found that States requiring a degree in a specific subject area (e.g., specialty areas or teaching at the secondary level) generally require a master's degree or fifth-year requirement before an individual can be certified or licensed as a teacher. These students would be eligible to participate so long as their training meets the requirements for full State certification or licensure as a teacher.

**Note:** The degree received as a result of training and one year of induction services are to be completed prior to the end of the award period in order to meet the requirements of this priority.

Within this absolute priority, we are particularly interested in applications that address the following invitational priority. In accordance with 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

*Invitational Priority:* Applicants are invited to submit applications that focus on pre-service training of Indian individuals for certification or licensure as secondary school teachers. All other requirements of the absolute priority for pre-service teacher training programs described in this notice must be met. You will not receive additional point value because your application addresses this invitational priority.

*Absolute Priority Two—Pre-Service Administrator Training*

A project that provides—

(1) Support and training to Indian individuals to complete a master's degree in education administration that is provided before the end of the award period and that allows participants to meet the requirements for State certification or licensure as an education administrator; and

(2) One year of induction services, during the award period, to participants after graduation, certification, or licensure, while they are completing their first year of work as administrators in schools with significant Indian student populations.

**Note:** The degree received as a result of training and one year of induction services are to be completed prior to the end of the award period in order to meet the requirements of this priority.

*Competitive Preference Priorities:* Within these absolute priorities, we give competitive preference to applications that address the following priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application, depending on the extent to which the application meets one or both of these priorities.

These priorities are:

*Competitive Preference Priority One*

We award five points to an application submitted by an Indian tribe, Indian organization, or Indian institution of higher education that is eligible to participate in the Professional Development program. A consortium application of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 of EDGAR and includes an Indian tribe, Indian organization, or Indian institution of higher education will be considered eligible to receive the five competitive preference points. The consortium agreement, signed by all parties, must be submitted with the application in order to be considered a consortium application.

*Competitive Preference Priority Two*

We award five points to an application submitted by a consortium of eligible applicants that includes a tribal college or university and that designates that tribal college or university as the fiscal agent for the application. The consortium application of eligible entities must meet the requirements of 34 CFR 75.127 through 75.129 of EDGAR to be eligible to receive the five competitive preference points. These points are in addition to the five competitive preference points that may be awarded under Competitive Preference Priority One. The consortium agreement, signed by all parties, must be submitted with the application in order to be considered a consortium application.

**Note:** A consortium application must include a consortium agreement, signed by all parties, submitted with the application.

Letters of support do not meet the requirement for a consortium agreement.

**Note:** Tribal colleges and universities are those Indian institutions of higher education cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*), or Dine College (formerly Navajo Community College), authorized in the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a *et seq.*).

**Program Authority:** 20 U.S.C. 7442.

*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 regulations for this program in 34 CFR part 263.

**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 $19,399,000 for this program for FY 2007, of which approximately $2,901,000 are available for new awards. 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.

*Estimated Range of Awards:* $125,000–$400,000.

*Estimated Average Size of Awards:* $322,333.

*Maximum Award:* We will reject any application that proposes a budget exceeding $400,000 for the first, second, or third 12-month budget periods. The last 12-month budget period of a 48-month award will be limited to induction services only, at a cost not to exceed $90,000. The Assistant Secretary may change the maximum amount through a notice published in the **Federal Register**.

*Estimated Number of Awards:* 9.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months.

## III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants for this program are institutions of higher education, including Indian institutions of higher education; State educational agencies or local educational agencies in a consortium with institutions of higher education; Indian tribes or organizations in consortium with institutions of higher education; and Bureau of Indian Affairs-funded schools.

An application from a consortium of eligible entities must meet the requirements of 34 CFR 75.127 through 75.129. An application from a consortium of eligible entities must submit a consortium agreement, signed by all parties, with the application. Letters of support do not meet the requirement for a consortium agreement.

In order to be considered an eligible entity, applicants, including institutions of higher education, must be eligible to provide the level and type of degree proposed in the application or must apply in a consortium with an institution of higher education that is eligible to grant the target degree.

Applicants applying in a consortium with or as an ''Indian organization'' must demonstrate eligibility by showing how the ''Indian organization'' meets all requirements of 34 CFR 263.3.

The term ''Indian institution of higher education'' means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*), and Dine College (formerly Navajo Community College), authorized in the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a *et seq.*).

We will reject any application that does not meet these requirements.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

3. *Other:* Projects funded under this competition should plan to budget for a two-day Project Directors' meeting in Washington, DC during each year of the project period.

## IV. Application and Submission Information

1. *Address to Request Application Package:* Applications for grants under this competition must be submitted electronically through the Grants.gov Apply site (*http://www.Grants.gov*). However, if you would like a paper copy of the application to review, you may order one from the 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.*

You may also obtain the application package electronically by downloading it from the following Web site: *http://www.ed.gov/about/offices/list/oese/oie/index.html.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.299B.

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 elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

*Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 35 pages, using the following standards:

- A page is 8.5″ x 11″, on one side only, with 1″margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is 12 point or larger in size but no smaller than 10 point.

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, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

The page limit of 35 pages for Part III is mandatory. We will reject your application if:

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

*Applications Available:* February 16, 2007.

*Deadline for Transmittal of Applications:* March 19, 2007.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or 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 17, 2007.

4. *Intergovernmental Review:* This program 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 program.

5. *Funding Restrictions:* Stipends may be paid only to full-time students. For the payment of stipends to project participants being trained, the Secretary expects to set the stipend maximum at $1,800 per month for full-time students and provide for a $300 allowance per month per dependent during an academic term. The terms ''stipend,'' ''full-time student,'' and ''dependent allowance'' are defined in 34 CFR 263.3. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Professional Development program, CFDA Number 84.299B 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 Professional Development 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 84.326, not 84.326B).

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 competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you 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 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: Lana Shaughnessy, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C152, Washington, DC 20202–6335. FAX: (202) 260–4149.

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 84.299B), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.299B), 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 84.299B), 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

*Selection Criteria:* The selection criteria for this competition are from 34 CFR 263.6 and are listed in the application package.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may 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:* 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.

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the Professional Development program: (1) The percentage of program participants who receive full State licensure; (2) the percentage of program participants who become teachers in schools with high concentrations of American Indian and Alaska Native students and teach in their licensure area; and (3) the percentage of program participants who become principals/vice principals/school administrators in schools with high concentrations of American Indian and Alaska Native students.

We encourage applicants to demonstrate a strong capacity to provide reliable data on these measures in their responses to the selection criteria ''Quality of project services'' and ''Quality of the project evaluation.''

All grantees will be expected to submit, as part of their performance report, information with respect to these performance measures.

## VII. Agency Contact

*For Further Information Contact:* Lana Shaughnessy, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C152, Washington, DC 20202–6335. Telephone: (202) 205–2528 or by e-mail: *Indian.education@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 contact person 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: February 13, 2007.

**Raymond Simon,**

*Deputy Secretary of Education.*

[FR Doc. E7–2749 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

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## DEPARTMENT OF EDUCATION

## Office of Safe and Drug-Free Schools; Overview Information; Grant Competition for the Cooperative Civic Education and Economic Education Exchange Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.304A.

Dates:

*Applications Available:* February 16, 2007.

*Deadline for Transmittal of Applications:* April 2, 2007.

*Deadline for Intergovernmental Review:* June 1, 2007.

*Eligible Applicants:* Organizations in the United States experienced in the development of curricula and programs in civic and government education and economic education for students in elementary schools and secondary schools in countries other than the United States, to carry out civic education activities.

*Estimated Available Funds:* The Administration's budget request for FY 2007 does not include funds for this program. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program.

*Estimated Range of Awards:* $500,000–$1,000,000.

*Estimated Average Size of Awards:* $1,000,000.

*Estimated Number of Awards:* 1–2.

**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:* The Cooperative Civic Education and Economic Education Exchange Program provides grants to improve the quality of civic education through cooperative civic education exchange programs with emerging democracies.

*Priority:* This competition includes one absolute priority and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(iv), the absolute priority is from section 2345(c) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6715(c)). To be considered for funding, each applicant must address the absolute priority. The priorities are as follows.

*Absolute Priority:* For FY 2007, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Each applicant must propose to carry out each of the following activities:

(1) Provide to the participants from eligible countries—

(A) Seminars on the basic principles of United States constitutional democracy, including seminars on the major governmental institutions and systems in the United States, and visits to such institutions;

(B) Visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, in the United States;

(C) Translations and adaptations with respect to United States civics and government education, curricular programs for students and teachers, and in the case of training programs for teachers, translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas; and

(D) Independent research and evaluation assistance to determine the effects of the cooperative education exchange programs on students' development of the knowledge, skills, and traits of character essential for the

preservation and improvement of constitutional democracy.

(2) Provide to the participants from the United States—

(A) Seminars on the histories and systems of government of eligible countries;

(B) Visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, located in eligible countries;

(C) Assistance from educators and scholars in eligible countries in the development of curricular materials on the history and government of such countries that are useful in United States classrooms;

(D) Opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(E) Independent research and evaluation assistance to determine the effects of the cooperative education exchange programs assisted through this grant on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy.

(3) Assist participants from eligible countries and the United States to participate in international conferences on civics and government education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

*Invitational Priority:* Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

*Invitational Priority—Performance Data*

The Secretary is particularly interested in projects that use pre- and post-intervention testing, or more rigorous methods, to measure the effects of the Cooperative Civic Education and Economic Education Exchange Program on the knowledge and skills of students and the classroom practice(s) of participating teachers.

**Program Authority:** 20 U.S.C. 6711–6716.

*Applicable Regulations:* 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.

**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's budget request for FY 2007 does not include funds for this program. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program.

*Estimated Range of Awards:* $500,000–$1,000,000.

*Estimated Average Size of Awards:* $1,000,000.

*Estimated Number of Awards:* 1–2.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 36 months.

## III. Eligibility Information

1. *Eligible Applicants:* Organizations in the United States experienced in the development of curricula and programs in civics and government education and economic education for students in elementary schools and secondary schools in countries other than the United States.

2. *Eligible Country:* For the purpose of this grant competition, the term eligible country means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801), the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country (as such term is defined in section 209(d) of the Education for the Deaf Act, 20 U.S.C. 4359a(d)) if the Secretary, with the concurrence of the Secretary of State, determines that such developing country has a democratic form of government. A list of the countries is included in the application package.

3. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

4. *Other:* Primary participants in the cooperative education exchange programs assisted through this grant shall be educational leaders in the areas of civics and government education, including teachers, curriculum and teacher training specialists, scholars in relevant disciplines, educational policymakers, and government and private sector leaders from the United States and eligible countries.

## IV. Application and Submission Information

1. *Address To Request Application Package:* To request an application and further information contact Rita Foy Moss, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E247, Washington, DC 20202, Telephone: (202) 205–8061 or by e-mail: *rita.foy.moss@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

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 person listed in this section of the 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 the Cooperative Civic Education and Economic Education Exchange Program competition.

Page Limit: The program narrative section should not exceed 25 double-spaced pages using standard font not smaller than 12-point, with 1-inch margins (top, bottom, left, and right). The narrative should follow the format and sequence of the selection criteria.

3. *Submission Dates and Times:*

*Applications Available:* February 16, 2007.

*Deadline for Transmittal of Applications:* April 2, 2007.

Applications for grants under this competition may be submitted electronically using the Grants.gov application site, or in paper format by mail or hand delivery. For information about how to submit your application electronically, or by mail, or by hand delivery, please refer to section 6. *Other Submission Requirements* in this notice.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in Section VII of this notice.

We do not consider an application that does not comply with the deadline requirements.

*Deadline for Intergovernmental Review:* June 1, 2007.

4. *Intergovernmental Review:* This Cooperative Civic Education and Economic Education Exchange Program 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 applicable regulations that address funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted

electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.* To comply with the President's Management Agenda, we are participating as a partner in the Government-wide Grants.gov Apply site. The Grant Competition for the Cooperative Civic Education and Economic Education Exchange Program, CFDA Number 84.304A, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Government-wide Grants.gov Apply site at *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Grant Competition for the Cooperative Civic Education and Economic Education Exchange Program at *http://www.Grants.gov*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.304, not 84.304A).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not 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 competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
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**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.* If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

*By mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.304A), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.304A), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.304A), 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 program are from 34 CFR part 75.210 EDGAR and are listed in the application package.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may 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:* 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. We also may require more frequent performance reports in accordance with 34 CFR 75.720(c).

4. *Performance Measure:* If funded, applicants will be expected to collect and report information pursuant to the statutory requirement that all grantees provide independent research and evaluation assistance to determine the effects of [the cooperative civic education and economic education exchange program] on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy. In addition, funded applicants responding to the Invitational Priority should collect and submit data on the effects of the program on the knowledge and skills of students, and the classroom practice(s) of participating teachers.

## VII. Agency Contact

*For Further Information Contact:* Rita Foy Moss, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E247, Washington, DC 20202. Telephone: (202) 205–8061 or by e-mail: *rita.foy.moss@ed.gov.*

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## 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: *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.

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Dated: February 9, 2007.

**Deborah A. Price,**

*Assistant Deputy Secretary for Safe and Drug-Free Schools.*

[FR Doc. E7–2748 Filed 2–15–07; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Nevada

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, March 14, 2007, 5 p.m.

**ADDRESSES:** 7710 West Cheyenne Avenue, Conference Room # 130, Las Vegas, Nevada.

**FOR FURTHER INFORMATION CONTACT:** Kelly Snyder, Deputy Designated Federal Officer, P.O. Box 98518, Las Vegas, Nevada 89193. Phone: (702) 295–2836; E-mail: *snyderk@nv.doe.gov*.

**SUPPLEMENTARY INFORMATION:** Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

**Tentative Agenda**

1. Briefing entitled ''Radiation 101''
2. Discussion of upcoming SSAB Chairs Meeting
3. Updates by the Board's working committees

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Kelly Snyder at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

*Minutes:* The minutes of this meeting will be available for public review and copying at the U.S. Department of Energy's Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Minutes will also be available by writing to Kelly Snyder at the address listed above.

Issued at Washington, DC on February 13, 2007.

**Rachel Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. E7–2760 Filed 2–15–07; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Environmental Management Advisory Board Meeting

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Advisory Board (EMAB). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register.**

**DATES:** Tuesday, March 6, 2007, 9 a.m.–5 p.m.; Wednesday, March 7, 2007, 9 a.m.–12 p.m.

**ADDRESSES:** The Knoxville Marriott, 500 Hill Avenue SE., Knoxville, Tennessee 37915.

**FOR FURTHER INFORMATION CONTACT:** Terri Lamb, Executive Director of the Environmental Management Advisory Board (EM–13), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Phone (202) 586–9007; fax (202) 586–0293 or e-mail: *terri.lamb@em.doe.gov.*

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to provide the Assistant Secretary for Environmental Management with advice and recommendations on corporate issues confronting the Environmental Management Program. The Board will contribute to the effective operation of the Environmental Management Program by providing individual citizens and representatives of interested groups an opportunity to present their views on issues facing the Office of Environmental Management and by helping to secure consensus recommendations on those issues.

**Tentative Agenda**

*Tuesday, March 6, 2007*

9 a.m. Welcome.
9:15 a.m. Opening Remarks.
10 a.m. Oak Ridge Office Presentation.
10:30 a.m. Break.
10:45 a.m. Small Business, Acquisition, and Project Management Update.
11:15 a.m. Roundtable Discussion.
11:45 a.m. Public Comment Period.
12 p.m. Lunch Break.
1 p.m. Employee Recruitment and Retention Presentation.
1:30 p.m. Roundtable Discussion.
1:45 p.m. EM Communications Working Group Overview.
2 p.m. Roundtable Discussion.
2:15 p.m. Technical Uncertainty and Risk Reduction Presentation.
2:45 p.m. Roundtable Discussion.
3 p.m. Break.
3:15 p.m. Discretionary Budgeting and Integrated Priority Lists and Earmarks Presentation.
3:45 p.m. Roundtable Discussion.
4 p.m. Recommendations from EMAB, NAPA, and the EM Focus Area Working Group and Implementation Strategy Overview.
4:30 p.m. Roundtable Discussion.
4:45 p.m. Public Comment Period.
5 p.m. Adjournment.

*Wednesday, March 7, 2007*

9 a.m. Opening Remarks.
9:05 a.m. Oak Ridge Site Specific Advisory Board Presentation.
9:35 a.m. Board Business.
- Approval of August Meeting Minutes.
- Action Items.
- New Business.
- Roundtable Discussion.
- Set Date for Next Meeting.

11:30 a.m. Public Comment Period.
12 p.m. Adjournment.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Terri Lamb at the address or telephone number above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. Those who call in and register in advance will be given the opportunity to speak first. Others will be accommodated as time permits. The Board Chair is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

*Minutes:* The minutes of the meeting will be available at *http://www.em.doe.gov/stakepages/emabmeetings.aspx* and for viewing and copying at the U.S. Department of Energy Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9

a.m. and 4 p.m., Monday—Friday except Federal holidays. Minutes will also be available by calling Terri Lamb at (202) 586–9007.

Issued at Washington, DC on February 13, 2007.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. E7–2763 Filed 2–15–07; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP07–21–001]**

### Algonquin Gas Transmission, LLC; Notice of Compliance Filing

February 9, 2007.

Take notice that on February 6, 2007, Algonquin Gas Transmission, LLC (Algonquin) tendered for filing a compliance filing pursuant to Commission's January 24, 2007 order, in Docket No. CP07–21–000.

Algonquin states that copies of the filing have been served upon all affected customers of Algonquin and interested state commissions and 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 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 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 email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5 pm Eastern Time on February 23, 2007.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2697 Filed 2–15–07; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP96–200–167]**

### CenterPoint Energy Gas Transmission Company; Notice of Negotiated Rate Filing

February 9, 2007.

Take notice that on February 5, 2007, CenterPoint Energy Gas Transmission Company (CEGT) tendered for filing and approval a negotiated rate agreement between CEGT and Roll Coater Inc. CEGT has entered into an agreement to provide firm transportation service to this shipper under Rate Schedule FT and requests the Commission accept and approve the transaction under which transportation service will commence upon the later of May 1, 2007, or the ''in-service'' date following completion of necessary delivery facilities.

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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2693 Filed 2–15–07; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP07–166–000]**

### El Paso Natural Gas Company; Notice of Tariff Filing

February 9, 2007.

Take notice that on February 5, 2007, El Paso Natural Gas Company (EPNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, Thirty-Second Revised Sheet No. 1, to become effective March 1, 2007.

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 email 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. E7–2704 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP07–167–000]**

### Petal Gas Storage, L.L.C.; Notice of Tariff Filing

February 9, 2007.

Take notice that on February 6, 2007, Petal Gas Storage, L.L.C. (Petal) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Original Sheet No. 100A and Second Revised Sheet No. 140, to become effective March 6, 2007.

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. E7–2705 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP07–20–001]**

### Texas Eastern Transmission, LP; Notice of Compliance Filing

February 9, 2007.

Take notice that on February 6, 2007, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing a compliance filing pursuant to Commission's January 24, 2007 order, in Docket No. CP07–20–000.

Texas Eastern states that copies of the filing have been served upon all affected customers of Texas Eastern and interested state commissions and 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 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 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5 pm Eastern Time on February 23, 2007.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2696 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP06–19–001]**

### Windy Hill Gas Storage, LLC; Notice of Application for Amendment of Certificate of Public Convenience and Necessity

February 9, 2007.

Take notice that on January 30, 2007, Windy Hill Gas Storage, LLC (Windy Hill) tendered for filing an application under Section 7 of the Natural Gas Act for an order amending the certificate of public convenience and necessity issued in Docket No. CP06–19–000 to authorize Windy Hill to replace its pro forma FERC Gas Tariff with a new pro forma tariff.

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 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5 p.m. Eastern Time on February 23, 2007.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2694 Filed 2–15–07; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP06–446–000]**

### Gulf South Pipeline Company, LP; Notice of Availability of the Draft Environmental Impact Statement for the Proposed East Texas to Mississippi Expansion Project

February 9, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this Draft Environmental Impact Statement (EIS) for the natural gas pipeline facilities proposed by Gulf South Pipeline Company, LP (Gulf South) under the above-referenced docket. Gulf South's East Texas to Mississippi Expansion Project (Project) would be located in various counties and parishes in eastern Texas, northern Louisiana, and western Mississippi.

The Draft EIS was prepared to satisfy the requirements of the National Environmental Policy Act. The FERC staff concludes that the proposed Project, with the appropriate mitigation measures as recommended, would have limited adverse environmental impact.

The U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), U.S. Environmental Protection Agency (EPA), and the U.S. Army Corps of Engineers (COE) are federal cooperating agencies for the development of this EIS. A federal cooperating agency has jurisdiction by law or special expertise with respect to any environmental impact involved with the proposal and is involved in the NEPA analysis.

The general purpose of the proposed Project is to transport up to 1.7 billion cubic feet per day of natural gas from production fields in eastern Texas to markets in the Gulf coast, Midwestern, Northeastern and Southeastern regions of the United States.

The Draft EIS addresses the potential environmental impacts resulting from the construction and operation of the following facilities:

- Approximately 240.0 miles of 42-inch-diameter natural gas pipeline extending easterly from DeSoto Parish, Louisiana to Simpson County, Mississippi;
- Approximately 3.3 miles of 36-inch-diameter natural gas pipeline extending northward from Gulf South's existing Carthage Junction Compressor Station in Panola County, Texas to interconnect with existing natural gas facilities within Panola County;
- Two new compressor stations, the Vixen and the Tallulah Compressor Stations, located in Ouachita and Madison Parishes, Louisiana, respectively;
- Modifications to three existing compressor stations, the Carthage Junction, Hall Summit, and McComb Compressor Stations in Panola, County, Texas, Bienville Parish, Louisiana and Walthall County, Mississippi, respectively; and
- Other ancillary facilities including six meter and regulator (M/R) facilities, eleven mainline valves, nine side valves, and six pig launcher and/or receiver facilities.

Project construction would be initiated in May 2007 and completed by September 2007, at which point Gulf South would place the proposed Project in-service.

#### Comment Procedures and Public Meetings

Any person wishing to comment on the Draft EIS may do so. To ensure that your comments are timely and properly recorded so that they may be considered in the Final EIS, please carefully follow these instructions:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of your comments to the attention of Gas Branch 2, DG2E; and Reference Docket No. CP06–446–000 on the original and both copies.
- Mail your comments so that they will be received in Washington, DC on or before March 27, 2007.

Please note that the Commission strongly encourages the electronic filing (''eFiling'') of comments. Instructions on how to ''eFile'' comments can be found on the Commission's Web site at *http://www.ferc.gov* under the ''Documents and Filings'' link.

In lieu of or in addition to sending written comments, we invite you to attend the public comment meetings the FERC will conduct in the project area to receive comments on the Draft EIS. All meetings will begin at 6 p.m. (CDT), and are scheduled as follows:

| Date and time | Location |
|---|---|
| Monday, February 26, 6 p.m. | Minden American Legion Hall, 119 Pine Street, Minden, LA 71055, (318) 371–3045. |
| Tuesday, February 27, 6 p.m. | Ouachita Parish Public Library—Main Branch, 1800 Stubbs Avenue, Monroe, LA 71201, (318) 327–1490. |
| Thursday, March 1, 6 p.m. | Vicksburg Convention Center, Room 4, 1600 Mulberry Street, Vicksburg, MS 39180, (866) 822–6338. |

The public comment meetings will be posted on the FERC's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx.* Interested groups and individuals are encouraged to attend and present oral comments on the Draft EIS. Transcripts of the meetings will be prepared.

After the comments received are reviewed, any significant new issues are investigated, and modifications are made to the Draft EIS, a Final EIS will be published and distributed by the FERC staff. The Final EIS will contain the staff's responses to timely comments received on the Draft EIS.

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). Anyone may intervene in this proceeding based on this Draft EIS. You must file your request to intervene as specified above.[1] You do not need intervenor status to have your comments considered.

The Draft EIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street N.E., Room 2A, Washington, DC 20426, (202) 502–8371.

A limited number of copies of the Draft EIS are available from the Public Reference Room identified above. In addition, CD copies of the Draft EIS have been mailed to affected landowners; various Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and newspapers; intervenors; and other individuals that expressed an interest in the proposed Project. Hard-copies of the Draft EIS have also been mailed to those who requested that format during the scoping and comment periods for the proposed Project.

Additional information about the proposed Project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*).

To access information via the FERC Web site click on the ''eLibrary'' link then 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. The ''eLibrary'' link provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. For assistance with ''eLibrary'', please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659.

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 amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to these documents. To learn more about eSubscription and to sign-up for this service please go to *http://www.ferc.gov/esubscribenow.htm*.

**Magalie R. Salas,**
*Secretary.*

[FR Doc. E7–2695 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP07–067–000]**

### Dominion Transmission, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Ellisburg Replacement Well Project and Request for Comments on Environmental Issues

February 9, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Ellisburg Replacement Well Project involving the installation and operation of two new injection/withdrawal wells by Dominion Transmission, Inc. (DTI) within its Ellisburg Storage Field located in Potter County, Pennsylvania.[1] This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the public comment period that will be used to gather environmental input from the public and interested agencies on the project. Comments are requested by March 9, 2007.

If you are a landowner receiving this notice, you may be contacted by a company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the company could initiate condemnation proceedings in accordance with state law.

A brochure prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site at *http://www.ferc.gov.* This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

[1] DTI's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

#### Summary of the Proposed Project

DTI seeks authority to install and operate two new wells, EW–210 and EW–326, located in its Ellisburg Storage Field. The new wells would replace two previously abandoned wells, EW–203 and EW–313. The previous well abandonments were completed under DTI's blanket certificate authorization in Docket No. CP06–419–000.

The new well EW–210 would be installed approximately 32 feet northwest of EW–203, and the new EW–326 well would be located approximately 49 feet northeast of EW–313. In addition, DTI would connect the new wells to the existing storage pipeline network by installing approximately 230 feet of new well pipeline. The construction and operation of the new pipeline would be performed under DTI's existing blanket certificate authorization in Docket No. CP82–537–000. The new wells are required to maintain the overall deliverability of the Ellisburg Storage Field.

The general locations of the new wells are shown in Appendix 1.[2]

#### Land Requirements

Construction of the new wells would require about 3.31 acres of land and includes access roads, staging areas and extra work areas. Each well site would require approximately 1.62 acres. Following construction, about 1.26 acres would be permanently maintained. The remaining 2.05 acres of land would be restored and allowed to revert to its former use.

#### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 2 (map), are available on the Commission's website at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Our [3] independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

**Public Participation**

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow the instructions below to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 3.
- Reference Docket No. CP07–067–000.
- Mail your comments so that they will be received in Washington, DC on or before March 9, 2007.

The Commission strongly encourages electronic filing of comments. Please refer to 18 Code of Federal Regulations (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. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments, you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

The determination of whether to distribute the EA for public comment will be based on the response to this notice. If you are interested in receiving a copy of the EA, please return the Information Request form (Appendix 2). An effort is being made to send this notice to all individuals affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities.

**Becoming an Intervenor**

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, or ''intervenor''. To become an intervenor, you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at *http://www.ferc.gov.* Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with email addresses may be served electronically; others must be served a hard copy of the filing.

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 environmental comments considered.

**Environmental Mailing List**

If you wish to remain on our environmental mailing list, please return the Information Request form included in Appendix 3. If you do not return this form, you will be removed from our mailing list.

**Additional Information**

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 Web site (*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 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.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2698 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 12769–000]**

### Ice House Partners, Inc.; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedual Schedule for Licensing and Deadline for Submission of Final Amendments

February 9, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. Type of Application: Exemption From Licensing

b. Project No.: P–12769–000

c. Date Filed: January 22, 2007

d. Applicant: Ice House Partners, Inc.

e. Name of Project: Ice House Power Project

f. Location: On the Nashua River in the Town of Ayer, Middlesex County, Massachusetts. The project does not utilize lands of the United States.

g. Filed Pursuant to: Public Utilities Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708

h. Applicant Contact: Liisa Dowd, Ice House Partners, Inc., 323 West Main Street, Ayer, MA 01432, (978) 772–3303

i. FERC Contact: Tom Dean, (202) 502–6041

j. Cooperating Agencies: We are asking Federal, state, and local agencies and Indian tribes with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below.

k. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: March 23, 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.

Additional study requests and requests for cooperating agency status 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 at (*http://www.ferc.gov*) under the ''eFiling'' link.

m. This application is not ready for environmental analysis at this time.

n. Description of Project: The Ice House Power Project would consist of the existing facilities: (1) The 300-foot-long, 10-foot-high Ice House Dam consisting of a 210-foot-long spillway topped with flashboards; (2) a 137-acre reservoir with a normal full pond elevation of 215 feet National Geodetic Vertical Datum; (3) a 50-foot-wide, 600-foot-long power canal; (4) a restored powerhouse containing two generating units with a total installed capacity of 270 kilowatts; and (5) appurtenant facilities. The project would have an average annual generation of 2,500 megawatt-hours.

o. 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 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. 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.

p. With this notice, we are initiating consultation with the Massachusetts State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. Procedural schedule and final amendments: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one environmental assessment rather than issue a draft and final EA. Comments, terms and conditions, recommendations, prescriptions, and reply comments, if any, will be addressed in an EA. Staff intends to give at least 30 days for entities to comment on the EA, and will take into consideration all comments received on the EA before final action is taken on the license application.

Issue Acceptance Letter or Deficiency Letter—April 2007.

Issue Scoping Document—May 2007.

Notice of application is ready for environmental analysis—July 2007.

Notice of the availability of the EA—November 2007.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2700 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2985–004]**

### MeadWestvaco; Notice of Change in Applicant's Proposal Concerning the Redevelopment of the Willow Mill Hydroelectric Project

February 9, 2007.

a. *Type of Filing:* Notice of Intent (NOI) to File Application for a New License and Commencing Licensing Proceeding.

b. *Project No.:* 2985–004.

c. *Dated Filed:* April 14, 2006.

d. *Applicant:* MeadWestvaco.

e. *Name of Project:* Willow Mill Hydroelectric Project.

f. *Location:* On the Housatonic River in Berkshire County, Massachusetts. The project does not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR Part 5 of the Commission's Regulations.

h. *Applicant Contact:* Mr. Robert Miller, MeadWestvaco, 547A Sissonville Road, Potsdam, NY 13676, (315) 267–5609.

i. *FERC Contact:* Kristen Murphy, (202) 502–6236, or via e-mail at *kristen.murphy@ferc.gov.*

j. *The Willow Mill Project includes:* a 14-foot-high, 150-foot-wide stone masonry gravity dam; an impoundment of approximately 11 surface acres; a 10-foot-deep, 18-foot-wide rubble and masonry canal that runs approximately 50 feet to a 10-foot-deep, 18-foot wide, 260-foot long rubble and masonry underground headrace; two steel penstocks, one leading to a 100-kW unit, the other leading to a 360-kW unit. The two generating units are located in the basement of MeadWestvaco's paper mill, and release flow to an 8-foot-wide underground tailrace that reconnects to the Housatonic River approximately 700 feet downstream from Willow Mill Dam. The 360-kW unit has not been operated

since 1966. The 100-kW unit ceased operating in 2005.

k. In its PAD, MeadWestvaco stated it was evaluating its options relative to rehabilitating the 100 kW unit, or potentially increasing the overall hydraulic capacity of the facility. Pursuant to 18 CFR 5.11, MeadWestvaco filed a Proposed Study Plan on September 26, 2006. The plan included a Hydropower Redevelopment Study to evaluate the feasibility of rehabilitating the existing facility, replacing the generator units with newer models, or expanding the overall facility capacity. In its Revised Study Plan, filed January 23, 2007, MeadWestvaco withdrew the Hydropower Redevelopment Study proposal. Rather, MeadWestvaco now states that it will rehabilitate the 100-kW unit during 2007, and otherwise has no plans to upgrade or expand the project.

l. Pursuant to 18 CFR 16.7, information on the project is available at: Ms. Patricia C. Begrowicz, MeadWestvaco, 40 Willow Street, South Lee, MA 01260.

m. Willow Mill Project information is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*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. Copies are also available for inspection and reproduction at the address in paragraph m.

n. Register online at *http://ferc.gov/esubscribenow.htm* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2702 Filed 2–15–07; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER06–615–004; Docket No. ER06–723–001; ER06–723–002; ER06–723–003]**

### California Independent System Operator Corporation; Notice Rescinding Period for Post-Technical Conference Comments

February 9, 2007.

On February 1, 2007, staff of the Federal Energy Regulatory Commission convened a technical conference to address issues related to the California Independent System Operator Corporation's (CAISO) tariff, which reflects the Market Redesign and Technology Upgrade (MRTU) program. The purpose of the technical conference was to explore and discuss the CAISO's proposed methodology for allocating transmission import capacity in conjunction with resource adequacy requirements in the MRTU Tariff. Two notices were issued prior to the technical conference providing commentors until February 16, 2007, to file post-technical conference comments with the Comission.[1]

This notice rescinds the previously-announced February 16, 2007 period to file post-technical conference comments with the Commission. Instead, commentors should submit their comments with the CAISO, consistent with the directions given by the CAISO in its February 7, 2007 market notice,[2] in anticipation of the CAISO preparation of a tariff filing under section 205 [3] of the Federal Power Act setting forth a methodology for allocating transmission import capacity in conjunction with resource adequacy requirements in the MRTU Tariff.

For more information, please contact Aileen Roder at 202–502–6022, *aileen.roder@ferc.gov,* or Shawn Bennett at 202–502–8930, *shawn.bennett@ferc.gov.*

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2699 Filed 2–15–07; 8:45 am]

**BILLING CODE 6717–01–P**

[1] See Notice of Technical Conference, Docket No. ER06–615–004 (Dec. 27, 2006); See also Notice of Staff Technical Conference and Agenda, Docket No. ER06–615–004 (Jan. 18, 2007).

[2] California ISO Market Notice: Resource Adequacy Import Allocation Revision Process (Feb. 7, 2007), *http://www.caiso.com/1b7e/1b7ebe5238962.html.*

[3] 16 U.S.C. 824d (2000).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. AD07–7–000]**

### Conference on Competition in Wholesale Power Markets; Supplemental Notice of Conference

February 9, 2007.

As announced in the Notice of Conference issued on January 8, 2007, the Federal Energy Regulatory Commission (Commission) will hold the first in a series of conferences on February 27, 2007, to examine the state of competition in wholesale power markets. The first conference will be held from 9 a.m. to 4 p.m. (EST) at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in the Commission Meeting Room. All interested persons are invited to attend, and registration is not required.

The agenda for this conference, with a list of participating panelists, is attached. In order to allot sufficient time for questions and responses, each speaker will be provided with eight (8) minutes for prepared remarks. Due to the limitation of time, slides and graphic displays (e.g., PowerPoint® presentations) will not be permitted during the conference. Presenters who wish to distribute copies of their prepared remarks or handouts should bring 100 double-sided copies to the conference. Presenters who wish to include comments, presentations, or handouts in the record for this proceeding should file their comments with the Secretary of the Commission. Comments may either be filed on paper or electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* Following the conference, any interested person will be permitted to file written comments in the above docket on or before March 13, 2007.

Transcripts of the conference will be immediately available from Ace Reporting Company (202–347–3700 or 1–800–336–6646) for a fee. They will be available for the public on the Commission's eLibrary system seven calendar days after FERC receives the transcript.

A free webcast of this event will be available through *http://www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this

event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Perkowski or David Reininger at 703–993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov,* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Moon Paul, Esq., Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6136, *Moon.Paul@ferc.gov.*

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2706 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2601–007]**

### Duke Power Company LLC; Notice of Meeting To Discuss the Effects of the Continued Operation of the Bryson Project on Tribal Resources of the Eastern Band of the Cherokee Indians

February 9, 2007.

a. *Date and Time of Meeting:* March 7, 2007, from 1 to 4 p.m. (EST).

b. *Place:* District Courtroom, Swain County Administration Building, 101 Mitchell Street, Bryson City, North Carolina 28713–2321.

c. *FERC Contact:* Lee Emery at (202) 502–8379 or *lee.emery@ferc.gov.*

d. *Purpose of Meeting:* Discuss the effects of continued operation of the Bryson Project on Tribal fishing and boating rights on the Bryson reservoir (Ela reservoir).

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2701 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–503–007]**

### Natural Gas Pipeline Company of America; Notice of Technical Conference

February 9, 2007.

Take notice that the Commission will convene a technical conference on Wednesday, March 14, 2007, at 10 am (EST), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426.

The technical conference will address issues raised by Natural's January 4, 2007, filing in the referenced docket related only to Natural's gas interchangeability and maximum Btu limit tariff proposals.

Natural and the other parties should be prepared to address the following topics at the technical conference:

1. *Are Natural's tariff proposals consistent with the Interim Guidelines in the Natural Gas Council's White Paper on Natural Gas Interchangeability and Non-Combustion End Use?*

2. *To the extent Natural's proposals are not consistent with the guidelines, has Natural supported any divergence from the interim guidelines?*

3. *Did Natural use the appropriate methodology to determine the Wobbe index and Btu limits? If not, what methodology should Natural have used?*

Any parties in this proceeding that wish to make a presentation at this technical conference should notify the Commission prior to the conference.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or 202–20801659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

All interested persons are permitted to attend. For further information please contact Sandra Elliott at (202) 502–8694 or e-mail *sandra.elliott@ferc.gov.*

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E7–2703 Filed 2–15–07; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

**[ER–FRL–6684–2]**

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 7, 2006 (71 FR 17845).

**DRAFT EISs**

EIS No. 20060045, ERP No. D–AFS–L65504–ID, Payette National Forest Travel Management Plan, Designate a System of Road, Trails and Areas Open to Motorized and Non-Motorized Use, Implementation, Adam, Washington, Idaho, Valley Counties, ID

*Summary:* EPA expressed environmental concern about impacts to the public water supply, impaired streams and aquatic habitat. Rating EC1.

EIS No. 20060401, ERP No. D–FRC–K05062–CA, Oroville Facilities Project, Issuing an New Federal License to Continue Hydroelectric Power (FERC No. 2100), Feather River, Sierra Nevada, Butte County, CA

*Summary:* EPA expressed environmental concerns about potential water quality impacts and the method of analysis used to assess impacts of the no-action alternative, and requested additional information regarding consultation with tribal governments and the analysis of cumulative impacts. Rating EC2.

EIS No. 20060406, ERP No. D–BLM–L65524–PA, Bay Resource Management Plan, Implementation, Located within the Bristol Bay and Goodnews Bay Areas, AK

*Summary:* EPA expressed environmental concerns about the potential for adverse impacts regarding the limited number of special designations in the preferred alternative; effectiveness of proposed Required Operating Procedures (ROPs) and Stipulations, especially in regard to future management of lands open to mineral, oil, and gas exploration and development. Rating EC2.

EIS No. 20060449, ERP No. D–AFS–L65526–ID, Salmon-Challis National Forest, Lost River/Lemhi Grazing Allotments, To Improve Range

Condition and Trend, Lost River and Challis Ranger Districts, Salmon-Challis National Forest, Butte, Clark, Custer and Lemhi Counties, ID

*Summary:* EPA expressed environmental concerns about the potential for adverse impacts to streams that are currently 303(d) listed for temperature, sediment and other water quality criteria. Rating EC2.

EIS No. 20060486, ERP No. D–NPS–D65038–MD, White-Tailed Deer Management Plan, Implementation, Catoctin Mountain Park, Frederick and Washington Counties, MD

*Summary:* EPA does not object to the proposed action. Rating LO.

EIS No. 20060274, ERP No. DD–AFS–L65155–00, Northern Spotted Owl Management Plan, Removal or the Modification to the Survey and Manage Mitigation Measures, Standards and Guidelines (to the Northwest Forest Plan) New Information to Address Three Deficiencies in Final Supplemental EIS (2004), Northwest Forest Plan, OR, WA, and CA

*Summary:* The analysis in EIS provides adequate support for the decision to add individual species to the agencies' Special Status Species Program (SSSP) lists, and provides important information for developing future land management and species conservation decisions. EPA encourages the agencies to fully support and regularly update the SSSP programs, and consider the importance of the current network of late successional forests in late-successional species' persistence and viability. Rating LO.

EIS No. 20060307, ERP No. DS–FHW–L40222–WA, WA–99 Alaskan Way Viaduct and Seawall Replacement Project, Additional Information and Evaluation of Construction Plan, Provide Transportation Facility and Seawall with Improved Earthquake Resistence, U.S. Army COE Section 10 and 404 Permits, Seattle, WA

*Summary:* EPA expressed environmental concerns about impacts to air quality and human health during construction, and recommends the development of an air quality construction mitigation plan. Rating EC2.

**FINAL EISs**

EIS No. 20060451, ERP No. F–CGD–B03015–MA, Neptune Liquefied Natural Gas (LNG), Construction and Operation, Deepwater Port License Application, (Docket Number USCG–2004–22611) Massachusetts Bay, Gloucester and Boston, MA

*Summary:* EPA does not object to the proposed action, but offered comments that can be addressed in the Record of Decision and the remainder of the licensing process.

EIS No. 20060495, ERP No. F–FHW–L40226–WA, WA–28 Eastside Corridor Project, Proposal to Improve WA–28 (Sunset Highway) Corridor from WA–2–97 (Ocdabashian Bridge) to 9th Street NE. in East Wenatcheee, City of East Wenatchee, Douglas County, WA

*Summary:* EPA continues to express environmental concerns about the preferred alternative's (3B) impacts on air quality and wetlands.

EIS No. 20060515, ERP No. F–FHW–C40161–NY, NY–17 Parksville/SH–5223, Liberty-County Line, Part 1 Construction and Reconstruction to Interstate Standards, Funding and U.S. Army COE Permit Issuance, Town of Liberty, Sullivan County, NY

*Summary:* EPA does not object to the preferred alternative.

EIS No. 20060531, ERP No. F–FRC–L05236–0R, Clackamas River Hydroelectric Project, Application for Relicensing of an Existing 173 megawatt(MS) Project, (FERC No. 2195–011) Clackamas River Basin, Clackamas County, OR

*Summary:* EPA continues to express environmental concerns about temperature and dissolved oxygen impacts and recommends that FERC work with ODEQ to assure water quality standards will be met.

EIS No. 20060545, ERP No. F–FTA–G40191–TX, Southeast Corridor Project, Proposed Fixed-Guideway Transit System, Funding, Metropolitan Transit Authority (METRO) of Harris County, Houston, Harris County, TX

*Summary:* EPA does not object to the proposed project.

EIS No. 20070002, ERP No. F–FHW–F40420–MN, I–94/TH–10 Interregional Connection from St. Cloud to Becker Transportation Improvements, Funding and U.S. Army COE Section 404 Permit, Sherurne, Stearns, and Wright Counties, MN

*Summary:* EPA continues to have environmental concerns about impacts to water quality, wetlands, wildlife and wildlife habitat, and floodplains as well as potential cumulative impacts to the Mississippi Riverway.

EIS No. 20070005, ERP No. F–IBR–K39082–AZ, Welton-Mohawk Title Transfer Project, Transfer of the Facilities, Works, and Lands of the Welton Mohawk Division of the Gila Project, Welton-Mohawk Irrigation and Drainage District, Yuma County, AZ

*Summary:* No formal comment letter was sent to the preparing agency.

EIS No. 20070009, ERP No. F–AFS–K65317–CA, Antelope-Pardee 500kV Transmission Project, Construct, Operate and Maintain a New 25.6 mile 500kV Transmission Line, Right-of-Way Permit and Special Use Authorization, Angeles National Forest, Los Angeles County, CA

*Summary:* No formal comment letter was sent to the preparing agency.

Dated: February 12, 2007.

**Robert W. Hargrove,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. E7–2734 Filed 2–15–07; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[ER–FRL–6684–1]**

## Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/* Weekly receipt of Environmental Impact Statements Filed 02/05/2007 through 02/09/2007 Pursuant to 40 CFR 1506.9.

EIS No. 20070038, Draft EIS, BLM, WY, Pinedale Resource Management Plan (RMP), Implementation of Public Lands Administered, Sublette and Lincoln Counties, WY, Comment Period Ends: 05/17/2007, Contact: Kellie Roadifer 307–367–5309.

EIS No. 20070039, Draft EIS, WPA, CA, Trinity Public Utilities District Direct Interconnection Project, Construct and Operate a 16-mile Long 60-Kilovolt Power Transmission Facilities, (DOE/EIS–0389, Trinity County, CA, Comment Period Ends: 04/02/2007, Contact: Mark Wieringa 7200–962–7448.

EIS No. 20070040, Final EIS, DOD, 00, Programmatic—Missile Defense Agency, To Incrementally Develop, Test, Deploy, and Plan for Decommissioning of the Ballistic Missile Defense System (BMDS), Wait Period Ends: 03/19/2007, Contact: Martin Duke 703–697–4248.

EIS No. 20070041, Draft EIS, AFS, OR, Five Buttes Project, Conduct Vegetation Management Activities, Implementation, Deschutes National Forest, Cresent Ranger District, Deschutes County, OR, Comment Period Ends: 04/02/2007, Contact: Marcy Boehme 541–433–3200.

EIS No. 20070042, Draft EIS, BLM, CA, Truckhaven Geothermal Leasing Area, Addresses Leasing of Geothermal Resources, El Centro Field Office, Imperial County, CA, Comment

Period Ends: 04/17/2007, Contact: John Dalton 951–697–5311.

EIS No. 20070043, Final EIS, AFS, CA, Commercial Park Stock Permit Reissuance for the Sierra National Forest and Trail Management Plan for the Dinkey Lakes Wilderness, Application Reissuance Special-Use-Permit, Mariposa, Madera and Fresno Counties, CA, Wait Period Ends: 03/19/2007 Contact: Kim-Sorini-Wilson 559–855–5355 Ext. 3328.

EIS No. 20070044, Draft EIS, AFS, NM, Surface Management of Gas Leasing and Development, Proposes to Amend the Forest Plan include Standard and Guidelines Related to Gas Leasing and Development in the Jicarilla Ranger District, Carson National Forest, Rio Arriba County, NM, Comment Period Ends: 04/02/2007, Contact: Audrey Kuykendall 505–758–6212.

EIS No. 20070045, Final EIS, FHW, UT, Riverdale Road Project (UT–26), Improvement Mobility and Safety between 1900 West in Roy, UT and U.S. Highway 89 (Washington Boulevard) in Odgen, UT, Cities of Roy, Riverdale, South Ogden and Ogden, Weber County, UT, Wait Period Ends: 03/19/2007, Contact: Gregory S. Punske 801–963–0182.

EIS No. 20070046, Draft EIS, BLM, CO, Little Snake Resource Management Plan, Implementation, Moffat, Routt and Rio Blanco Counties, Craig CO, Comment Period Ends: 05/17/2007, Contact: Jeremy Casterson 970–826–5071. This document is available on the Internet at: *http://www.co.blm.gov/lsra/rmp/rmp-docs.htm#DEIS.*

EIS No. 20070047, Draft EIS, COE, MN, Minnesota Steel Project, Construction and Operation of an Open Pit Taconite Mine Facilities, Concentrator, Pellet Plant, Direct Reduced Iron Plant and Steel Mill Project, located west of Nashwauk, Itasca County, MN, Comment Period Ends: 04/02/2007, Contact: Jon K. Ahlness 651–290–5381.

EIS No. 20070048, Draft EIS, NOA, 00, Programmatic—Steller Sea Lion and Northern Fur Seal Research, Proposal to Disburse Fund and Issue Permit for Research, AK, WA, OR and CA, Comment Period Ends: 04/02/2007, Contact: P. Michael Payne 301–713–2289. This document is available on the Internet at: *http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm.*

EIS No. 20070049, Second Draft Supplement, FTA, CA, South Sacramento Corridor Phase 2, Improve Transit Service and Enhance Regional Connectivity, Funding, in the City and County Sacramento, CA, Comment Period Ends: 04/02/2007, Contact: Jerome Wiggins 415–744–3116.

EIS No. 20070050, Draft EIS, FRC, 00, East Texas to Mississippi Expansion Project, Construction and Operation of 243.3 miles Natural Gas Pipeline to Transport Natural Gas from Production Fields in eastern Texas to Markets in the Gulf Coast, Midwestern, Northeastern and Southeastern United States, Comment Period Ends: 04/02/2007, Contact: Andy Black 1–866–209–3372.

EIS No. 20070051, Draft Supplement, COE, MS, Gulfport Harbor Navigation Channel Project, Updated Information on Providing Safe and Unrestricted Navigation into and out of Gulfport Harbor, Harrison County, MS, Comment Period Ends: 04/02/2007, Contact: Linda T. Brown 251–694–3786.

Dated: February 13, 2007.

**Robert W. Hargrove,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. E7–2733 Filed 2–15–07; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA-HQ-OPP-2007-0098; FRL–8115–4]**

## Full Tribal Pesticide Program Council (TPPC); Notice of Public Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Tribal Pesticide Program Council (TPPC) will hold a 2 and ½ day meeting, beginning on March 7 and ending on March 9, 2007. This notice announces the location and times for the meeting, and sets forth the tentative agenda topics. The TPPC Tribal Caucus meeting on March 7, 10:30 until noon and the March 9, ½ day meeting from 9 a.m. to noon are scheduled for the TPPC members only.

**DATES:** The meeting will be held on March 7 and 8, 2007 from 9 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at 2777 South Crystal Dr., One Potomac Yards (South Bldg.) 4th Floor Conference Center/South, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** Georgia A. McDuffie, Field and External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 605-0195; fax number: (703) 308-1850; e-mail address: *mcduffie.georgia@epa.gov* or Lillian Wilmore, TPPC Facilitator, P.O. Box 470829 Brookline Village, MA 02447-0829; Telephone number (617) 277-1656; e-mail address: *naecology@aol.com.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you [are interested in TPPC's information exchange relationship with EPA regarding important issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. All parties are invited and encourage you to attend the meetings and participate as appropriate.'' Potentially affected entities may include, but are not limited to: Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the application of this action to a particular entity, consult either person listed under **FOR FURTHER INFORMATION CONTACT**

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

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2006-0098. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

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

### II. Tentative Agenda

1. TPPC State of the Council Report
2. EPA/OPP, OECA and Region Update/Report

3. Pesticides and Health Impacts/ Focus on impacts on Children
4. TPPC Update/Report
5. Endangered Species Update
6. Pesticide Labeling and Personal Protective Equipment
7. Strategic Planning Discussion
8. Success Story/ Use of IPM in Controlling Invasives

**List of Subjects**

Environmental protection.

Dated: February 8, 2007.

**W. R. Diamond,**

*Director, Field External Affairs Division, Office of Pesticide Programs*

[FR Doc. E7–2668 Filed 2–15–07; 8:45 am]

**BILLING CODE 6560–50–S**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2004–0076; FRL–8278–6]**

## Extension of Period for Objection for the Notice of Data Availability for EGU $NO_X$ Annual and $NO_X$ Ozone Season Allocations for the Clean Air Interstate Rule Federal Implementation Plan Trading Programs

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice to extend period for objections.

**SUMMARY:** EPA is extending the period for submission of objections concerning the Notice of Data Availability (NODA) for EGU $NO_X$ Annual and $NO_X$ Ozone Season Allocations for the Clean Air Interstate Rule Federal Implementation Plan Trading Programs (CAIR FIP) published on August 4, 2006 to June 1, 2007 for cogeneration units combusting biomass (biomass cogeneration units). The period had previously been extended to October 5, 2006 for all objections, and further extended to February 20, 2007 for objections concerning biomass cogeneration units. This notice further extends the period for objections concerning biomass cogeneration units from February 20, 2007 to June 1, 2007. Certain biomass cogeneration unit owners and operators requested the additional time to submit objections because of difficulties in collection of information relating to the application of efficiency standards for cogeneration units (as defined in the CAIR FIP) to biomass cogeneration units. For all other objections, the deadline was October 5, 2006.

**DATES:** The EPA is establishing a period ending on June 1, 2007 only for objections (including data) related to biomass cogeneration units. Objections must be postmarked by the last day of the period for objection and sent directly to the Docket Office listed in **ADDRESSES** (in duplicate form if possible).

**ADDRESSES:** Submit your objections, identified by Docket Number OAR–2004–0076 by one of the following methods:

A. *Federal Rulemaking Portal: http://www.regulations.gov.* The NODA is not a rulemaking, but you may use the Federal Rulemaking Portal to submit objections to the NODA. To submit objections, follow the on-line instructions for submitting comments.

B. *Mail:* Air Docket, *ATTN:* Docket Number OAR–2004–0076, Environmental Protection Agency, *Mail Code:* 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460

C. *E-mail: A-AND-R-Docket@epa.gov.*

D. *Hand Delivery:* EPA Docket Center, 1301 Constitution Avenue, NW., Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**FOR FURTHER INFORMATION CONTACT:** General questions concerning today's action and technical questions concerning heat input or fuel data should be addressed to Brian Fisher, USEPA Headquarters, Ariel Rios Building, 1200 Pennsylvania Ave., Mail Code 6204 J, Washington, DC 20460. Telephone at (202) 343–9633, e-mail at *fisher.brian@epa.gov.* If mailing by courier, address package to Brian Fisher, 1310 L St., NW., RM # 713G, Washington, DC 20005.

**SUPPLEMENTARY INFORMATION:**

*Docket:* All documents in the docket are listed in the *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 *www.regulations.gov* or in hard copy at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, 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 Docket is (202) 566–1742.

**Extension of Period for Objections**

In the August 4, 2006 NODA (71 FR 44283), EPA provided notice that it had placed in the CAIR FIP docket allocation tables for EGU $NO_X$ annual and EGU $NO_X$ ozone season allocations for control periods 2009–2014. The allocation tables also included inventories of heat input and inventories of potentially exempt units. In addition, EPA also placed in the docket a Technical Support Document describing the allocation table data fields.

The EPA originally provided a 30-day period for the unit owners, unit operators, and the public to submit objections regarding individual units' treatment as potentially covered or not covered by CAIR and, for units treated as potential CAIR units, the data used in the allocation calculations and the allocations resulting from such calculations. In response to a request from the American Forest and Paper Association, EPA extended the period for all objections an additional 30 days to October 5, 2006.

In requesting an additional extension of the period, certain biomass cogeneration unit owners noted the unique nature of the fuels utilized by biomass cogeneration units and the difficulties encountered in collecting data necessary to apply the efficiency standard to this type of cogeneration unit. In light of these circumstances, the EPA had extended the period until February 20, 2007 for objections (including data) related to any biomass cogeneration units, and further extends it to June 1, 2007 in this notice. For all other objections, the deadline was October 5, 2006.

EPA believes the additional time will provide the Agency more adequate time to receive and evaluate necessary data and, if appropriate, address the concerns raised about application of the efficiency standard to biomass cogeneration units.

Dated: February 12, 2007.

**Brian J. McLean,**

*Director, Office of Atmospheric Programs.*

[FR Doc. E7–2806 Filed 2–15–07; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

February 12, 2007.

**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 19, 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@eop.omb.gov* and to *Leslie F. Smith@fcc.gov,* Federal Communications Commission, Room 1–C216, 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 Leslie F. Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0949.

*Title:* Interstate Telecommunications Service Provider Worksheet, FCC Form 159–W.

*Form Number:* FCC Form 159–W.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business and other for-profit entities.

*Number of Respondents:* 3,400.

*Estimated Time per Response:* 0.5 hours (30 minutes).

*Frequency of Response:* On occasion and annual reporting requirements.

*Obligation to Respond:* Required to obtain or retain benefits.

*Total Annual Burden:* 1,700 hours.

*Total Annual Costs:* None.

*Nature and Extent of Confidentiality:* There is no need for confidentiality, except for personally identifiable information individuals may submit, which is covered by a system of records, FCC/OMD–9, ''Commission Registration System (CORES).''

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* Section 9 of the Communications Act of 1934, as amended, authorizes the FCC to assess and to collect regulatory fees to recover costs incurred in carrying out the Commission's enforcement actions, policies, rulemaking activities, and user information services. Telecommunications licensees and permittees that provide interstate, international, mobile, and satellite services, including telephone operator services, must pay those fees, which are based upon a percentage of the licensee/permittee's interstate revenues. The FCC bills telecommunications licensees and permittees using the FCC Form 159–W as the invoice. The FCC developed FCC Form 159–W to provide a convenient format for these telecommunications licensees and permittees to verify the information that is extracted from the interstate revenue information (which are already ''populated'' on this form) and to verify the simple calculation of the fee amount that is due, correcting any inaccuracies as necessary. The FCC uses this form to bill the telecommunications licensee or permittee the amount of its regulatory fee. The FCC is making minor revisions to FCC Form 159–W to provide a clearer format. Respondents may access FCC Form 159–W on line through the FCC's Web page: *www.fcc.gov/frnreg* if they wish to submit payment prior to being billed.

*OMB Control Number:* 3060–0917.

*Title:* CORES Registration Form, FCC Form 160.

*Form Number:* FCC Form 160.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Governments.

*Number of Respondents:* 103,448.

*Estimated Time per Response:* 10 minutes (0.167 hours).

*Frequency of Response:* One time reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits.

*Total Annual Burden:* 17,586 hours.

*Total Annual Costs:* None.

*Nature and Extent of Confidentiality:* There is no need for confidentiality, except for personally identifiable information individuals may submit, which is covered by a system of records, FCC/OMD–9, ''Commission Registration System (CORES).''

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* Respondents use FCC Form 160 to register with the Commission's CORES program. Respondents may register on line through *www.fcc.gov/frnreg.* By registering, the respondent applies for and receives an FCC Registration Number (FRN), which is required for anyone doing business with the Commission. The FCC Form 160 is used to collect information that pertains to the entity's name, address, contact representative, telephone number, e-mail address, and fax number. The Commission uses this information to collect and to report on any delinquent amounts arising from the respondent's business dealings with the FCC, including both ''feeable'' and ''nonfeeable'' services. The CORES Registration program also enables the Commission to ensure that registrants (respondents) receive any refunds due and to comply with the Debt Collection Improvement Act of 1996.

*OMB Control Number:* 3060–0918.

*Title:* CORES Update/Change Form, FCC Form 161.

*Form Number:* FCC Form 161.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Governments.

*Number of Respondents:* 52,628.

*Estimated Time per Response:* 10 minutes (0.167 hours).

*Frequency of Response:* On occasion and annual reporting requirements.

*Obligation to Respond:* Required to obtain or retain benefits.

*Total Annual Burden:* 8,947 hours.

*Total Annual Costs:* None.

*Nature and Extent of Confidentiality:* There is no need for confidentiality, except for personally identifiable information individuals may submit, which is covered by a system of records, FCC/OMD–9, ''Commission Registration System (CORES).''

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* Once respondents have registered with the CORES (Commission Registration System) database and been issued an FCC Registration Number (FRN), the unique identifier for doing business with the Commission, respondents may use FCC Form 161 to update and/or change their name, address, telephone number, e-mail address, fax number, contact representative, contact representative's address, telephone number, e-mail address, and/or fax number, which they have entered previously in the CORES database. FCC Form 161 may be accessed through the FCC Web page: *http://www.fcc.gov/frnreg.* The FCC uses CORES to ensure that respondents receive any refunds due and to comply with the Debt Collection Act of 1996. The FCC has added a ''personal security question,'' ''custom personal security question,'' and a ''certification statement'' and ''signature line'' to FCC Form 161. Upon approval of this collection, the FCC will cancel information collection 3060–0919, FCC Form 162, ''CORES Certification Form.''

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E7–2773 Filed 2–15–07; 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 March 6, 2007.

**A. Federal Reserve Bank of Kansas City** (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

*1. Bishop Limited Partnership, and its general partner, Cheryl R. Bishop*; to acquire additional voting shares of Skagit State Bancorp, Inc., and thereby indirectly acquire voting shares of Skagit State Bank, all of Burlington, Washington.

Board of Governors of the Federal Reserve System, February 13, 2007.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E7–2770 Filed 2–15–07; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. E7-2377) published on page 6566 of the issue for Monday, February 12, 2007.

Under the Federal Reserve Bank of Atlanta heading, the entry for FBG Holding Corporation, Tampa, Florida, is revised to read as follows:

**A. Federal Reserve Bank of Atlanta** (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

*1. FBG Holding Corporation, Tampa, Florida;* to become a bank holding company by acquiring 100 percent of the voting shares of Florida Bank Group, Inc., and thereby indirectly acquire Bank of St. Petersburg, both of Tampa, Florida, and Bank of North Florida, Jacksonville, Florida.

Comments on this application must be received by March 9, 2007.

Board of Governors of the Federal Reserve System, February 12, 2007.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E7–2726 Filed 2–15–07; 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 Web site at *http://www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 2007.

**A. Federal Reserve Bank of Boston** (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

*1. Merrimack Bancorp, MHC*, Concord, New Hampshire; to acquire 100 percent of the voting shares of Bow Mills Bank and Trust, Bow, New Hampshire.

Board of Governors of the Federal Reserve System, February 12, 2007.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E7–2727 Filed 2–15–07; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. E7-2377) published on page 6566 of the issue for Monday, February 12, 2007.

Under the Federal Reserve Bank of Atlanta heading, the entry for FBG Holding Corporation, Tampa, Florida, is revised to read as follows:

**A. Federal Reserve Bank of Atlanta** (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

*1. FBG Holding Corporation, Tampa, Florida;* to become a bank holding company by acquiring 100 percent of the voting shares of Florida Bank Group, Inc., and thereby indirectly acquire Bank of St. Petersburg, both of Tampa, Florida, and Bank of North Florida, Jacksonville, Florida.

Comments on this application must be received by March 9, 2007.

Board of Governors of the Federal Reserve System, February 12, 2007.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E7–2729 Filed 2–15–07; 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 Web site at *http://www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 2007.

**A. Federal Reserve Bank of Boston** (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

*1. Merrimack Bancorp, MHC,* Concord, New Hampshire; to acquire 100 percent of the voting shares of Bow Mills Bank and Trust, Bow, New Hampshire.

Board of Governors of the Federal Reserve System, February 12, 2007.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E7–2730 Filed 2–15–07; 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 March 16, 2007.

**A. Federal Reserve Bank of Minneapolis** (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

*1. Citizens Bancorp, Inc.*, Cadott, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens State Bank, Cadott, Wisconsin.

Board of Governors of the Federal Reserve System, February 13, 2007.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E7–2771 Filed 2–15–07; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Consumer Advisory Council

**AGENCY:** Board of Governors of the Federal Reserve System

### Notice of Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Thursday, March 8, 2007. The meeting, which will be open to public observation, will take place at the Federal Reserve Board's offices in Washington, D.C., in Dining Room E on the Terrace level of the Martin Building. Anyone planning to attend the meeting should, for security purposes, register no later than Tuesday, March 6, by completing the form found online at: https://www.federalreserve.gov/secure/forms/cacregistration.cfm.

Additionally, attendees must present photo identification to enter the building.

The meeting will begin at 9:00 a.m. and is expected to conclude at 12:45 p.m. The Martin Building is located on C Street, NW, between 20th and 21st Streets.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under various consumer financial services laws and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

• **Home mortgage foreclosures**

Members will discuss various issues related to home lending practices and mortgage foreclosures.

• **Model financial privacy notices**

With the objective of designing alternative privacy notices that are easier for consumers to understand and use, the Board, the other banking agencies, the FTC, and the SEC have been conducting cognitive and usability consumer research into how privacy notices may be made more effective for consumers. Members will discuss several aspects of the model notices as well as findings from the accompanying project report.

• **Amendments to Regulation E**

Members will discuss proposed amendments to Regulation E that would create an exception for certain small–dollar transactions from the requirement that terminal receipts be made available to consumers at the time of the transaction.

• **Check holding practices**

Members will discuss check holding guidelines and practices with a focus on issues related to fraudulent official checks, counterfeit cashier's checks and money orders.

Reports by committees and other matters initiated by Council members also may be discussed.

Persons wishing to submit views to the Council on any of the above topics may do so by sending written statements to Kyan Bishop, Secretary of the Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Information about this meeting may be obtained from Ms. Bishop, 202–452–6470.

Board of Governors of the Federal Reserve System, February 13, 2007.

**Jennifer J. Johnson**

*Secretary of the Board*

[FR Doc. E7–2772 Filed 2–15–07; 8:45 am]

**BILLING CODE 6210–01–S**

## GENERAL SERVICES ADMINISTRATION

### Public Building Service; Notice of Availability; Environmental Assessment and Finding of No Significant Impact

**ACTION:** Notice.

**SUMMARY:** The General Services Administration is publishing a Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the proposed construction of a new commercial port of entry in San Luis, Arizona.

**FOR FURTHER INFORMATION CONTACT:** Mr. Morris Angell, Regional Environmental Quality Advisor (REQA), Capital Investment Branch, Portfolio Management Division, US General Services Administration, 450 Golden Gate Avenue, San Francisco, CA 94102, phone 415–522–3473, or email: *morris.angell@gsa.gov*.

**SUPPLEMENTARY INFORMATION:** The US Border Station at San Luis, Arizona is a full-service land port of entry (POE) where the Federal Government inspects privately-owned vehicles (POV), pedestrians, and commercial vehicles seeking to enter the United States. Immediately to the south is the Mexican City of San Luis Rio Colorado, Sonora. An average of 180 commercial vehicles, 350 bicycles, 10,000 automobiles, and 11,000 pedestrians cross the border at this station every day. Since the POE was constructed in 1984, the population of the region has grown, illegal immigration and smuggling have become epidemic, inspection technology has significantly improved, law enforcement activities have increased, and trade policies have changed dramatically. Consequently, the existing facilities are overloaded and in need of repair, upgrades, and expansion.

The General Services Administration (GSA) proposes to relocate the existing commercial port of entry, currently in downtown San Luis, Arizona to a vacant former Bureau of Reclamation (BoR) property to the east of the City. Details of the Proposed Action are described in a NEPA document entitled *San Luis, Arizona Commercial Port of Entry Project Environmental Assessment* (U.S. Bureau of Reclamation 2000).

The BoR used the 2000 EA to support a previous FONSI which determined that Federal lands could be transferred to the Greater Yuma Port Authority (GYPA) for a new port of entry without any significant environmental impacts. Because the BoR EA included detailed descriptions of the affected area and the proposed facilities to be constructed the GSA has adopted the BoR's 2000 EA and FONSI in support of this FONSI regarding the impacts of constructing of the commercial POE.

This action includes mitigation measures to reduce impacts identified in the BoR EA to a level that is less than significant. The GYPA's commitments to implement these mitigation measures have also been included as conditions of the transfer of 80 acres of land within the project area to the General Service Administration (GSA) for the construction of the commercial POE. The original EA and BoR FONSI were published and circulated among responsible government agencies for a period of no less than 30 days. Comments received during circulation were considered by GSA in this final decision.

Finding

Pursuant to the provision of GSA Order ADM 1095.1F, the PBS NEPA Desk Guide, and the regulations issued by the Council of Environmental Quality, (40 CFR parts 1500 to 1508), this notice advises the public of our finding, that the action described above will not significantly affect the quality of the human environment.

Basis for Finding

The environmental impacts of constructing and operating the proposed facilities were considered in the Final EA and FONSI pursuant to the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations implementing NEPA. The Final EA and FONSI are available for review at the San Luis Public Library, 731 N 1st Ave., San Luis, AZ 85349. The Final EA and FONSI can also be viewed on the GSA Web site at *http://www.gsa.gov/nepa*.

The build alternative will result in temporary construction impacts involving the air quality (dust) and noise, a minor loss of soil and vegetation, and potential stormwater pollution runoff from the site. To mitigate potential long-term impacts, GSA will implement the measures that are discussed in the Environmental Assessment and FONSI.

The Finding of No Significant Impact will become final thirty (30) days after the publication of this notice, provided that no information leading to a contrary finding is received or comes to light during this period.

**Peter Stamison,**

*Regional Administrator, GSA Region 9.*

[FR Doc. E7–2720 Filed 2–15–07; 8:45 am]

**BILLING CODE 6820–YF–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

**[Document Identifier: OS–0990–New]**

### 30-Day Notice; Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or

other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* New collection;

*Title of Information Collection:* External Evaluation of National Centers of Excellence in Women's Health Program;

*Form/OMB No.:* 0990–New;

*Use:* This evaluation will assess the effectiveness of the National Centers of Excellence in Women's Health Program contracts. Specifically, the outcomes-based research question will ask: ''Overall, do women seen at CoEs perceive their clinical care to be better than those who receive healthcare elsewhere?'' Outreach surveys will assess community impacts.

*Frequency:* One-time on Occasion;

*Affected Public:* Individuals or Households;

*Annual Number of Respondents:* 6800;

*Total Annual Responses:* 6800;

*Average Burden per Response:* 12.65 minutes;

*Total Annual Hours:* 1433;

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be received within 30 days of this notice directly to the Desk Officer at the address below: OMB Desk Officer: John Kraemer, OMB Human Resources and Housing Branch, Attention: (OMB #0990–New), New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 9, 2007.

**Alice Bettencourt,**

*Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.*

[FR Doc. E7–2769 Filed 2–15–07; 8:45 am]

BILLING CODE 4150–33–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Advisory Council for the Elimination of Tuberculosis Meeting (ACET)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following council meeting of the aforementioned committee.

*Times and Dates:* 8:30 a.m.–5 p.m., March 20, 2007. 8:30 a.m.–2 p.m., March 21, 2007.

*Place:* Corporate Square, Building 8, 1st Floor Conference Room, Atlanta, Georgia 30333, telephone (404) 639–8317.

*Status:* Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

*Purpose:* This council advises and makes recommendations to the Secretary, Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

*Matters to be Discussed:* Agenda items include issues pertaining to TB Disparities in African Americans; Response to Control Extensively Drug Resistant Tuberculosis in the U.S.; and U.S.-Mexico Border Issues and other related tuberculosis issues.

Agenda items are subject to change as priorities dictate.

**FOR FURTHER INFORMATION CONTACT:** Margie Scott-Cseh, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE., M/S E–07, Atlanta, Georgia 30333, telephone (404) 639–8317.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention*

[FR Doc. E7–2766 Filed 2–15–07; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Board of Scientific Counselors, National Center for Infectious Diseases (NCID): Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee.

*Times and Dates:* 9 a.m.–5:30 p.m., March 15, 2007; 8:30 a.m.–2:30 p.m., March 16, 2007.

*Place:* CDC, Building 19, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

*Status:* Open to the public, limited only by the space available.

*Purpose:* The Board of Scientific Counselors, NCID, provides advice and guidance to the Director, CDC, and Director, NCID, in the following areas: program goals and objectives; strategies; program organization and resources for infectious disease prevention and control; and program priorities.

*Matters To Be Discussed:* Agenda items will include:

1. Breakout Group Discussions:

Vaccine Preventable Disease Surveillance

Respiratory Outbreaks

Ecology of Emerging Zoonoses and Other Infectious Diseases

Food-Borne Diseases: The New Way Forward

Working with Academic Partners

Chlamydia Screening Programs in the U.S.

Antimicrobial Resistance

Infectivity Component of Infection Control

Exotic Animal Importation and Trade

2. Coordinating Center for Infectious Diseases Updates

3. Strategies for Identifying New Pathogens

Other agenda items include announcements/introductions; follow-up on actions recommended by the Board in May 2006; consideration of future directions, goals, and recommendations.

Agenda items are subject to change as priorities dictate.

Written comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Tony Johnson, Office of the Director, NCID, CDC, Mailstop A–45, 1600 Clifton Road, NE, Atlanta, Georgia 30333, e-mail *tjohnson3@cdc.gov*; telephone 404/639–3856.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E7–2753 Filed 2–15–07; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2006N–0274]**

### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Establishing and Maintaining a List of United States Dairy Product Manufacturers/Processors With Interest in Exporting to Chile

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Establishing and Maintaining a List of U.S. Dairy Product Manufacturers/Processors with Interest in Exporting to Chile'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**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:** In the **Federal Register** of December 7, 2006 (71 FR 70972), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0509. The approval expires on January 31, 2010. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: February 9, 2007.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. E7–2708 Filed 2–15–07; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2006N–0435]**

### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on How to Use E-Mail to Submit a Notice of Intent to Slaughter for Human Food Purposes

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by March 19, 2007.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974.

**FOR FURTHER INFORMATION CONTACT:** Denver Presley, Jr., Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance:

**Guidance for Industry on ''How to Use E-mail to Submit a Notice of Intent to Slaughter for Human Food Purposes,'' Section 512j, Federal Food, Drug, and Cosmetic Act; (OMB Control Number 0910–0450)—Extension**

Section 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(j)) gives FDA the authority to set conditions under which animals treated with investigational new animal drugs may be marketed for food use. Under this authority, the Center for Veterinary Medicine (CVM), issues to a new animal drug sponsor (sponsors) a slaughter authorization letter that sets the terms under which investigational animals may be slaughtered. The United States Department of Agriculture (USDA) also monitors the slaughter of animals treated with investigational new animal drugs under the authority of the Meat Inspection Act (21 USC 601–95). Sponsors must submit slaughter notices each time investigational animals are presented for slaughter, unless this requirement is waived by an authorization letter (21 CFR 511.1(b)(5), 9 CFR 309.17). These notifications assist CVM and USDA in monitoring the safety of the food supply. Slaughter notices were previously submitted to CVM and USDA on paper (OMB No. 0910–0450). CVM's guidance on ''How to Use E-Mail to Submit a Notice of Intent to Slaughter for Human Food Purposes'' provides sponsors with the option to submit a slaughter notice as an e-mail attachment to CVM and USDA via the Internet. The electronic submission of slaughter notices is part of CVM's ongoing initiative to provide a method for paperless submissions.

In the **Federal Register** of November 8, 2006 (71 FR 65532), FDA published a 60-day notice soliciting comments on the information collection provisions of this collection. In response to this notice, no comments were received.

The likely respondents for this collection of information are new animal drug sponsors.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

| Form No. | No. of Respondents | Annual Frequency per Response | Total Annual Responses[2] | Hours per Response | Total Hours |
|---|---|---|---|---|---|
| FDA Form #3488 | 25 | .08 | 2 | 0.41 | .82 |

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

[2]Electronic submissions received between July 1, 2005, and June 30, 2006.

The number of respondents in table 1 of this document is the number of sponsors registered to make electronic submissions (25). The number of total annual responses is based on a review of the actual number of submissions made between July 1, 2005, and June 30, 2006 (2 x hours per response (.41) = .82 total hours).

Submitting a slaughter notice electronically represents an alternative to submitting a notice of intent to slaughter on paper. The reporting burden for compilation and submission of this information on paper is included in OMB clearance of the information collection provisions of 21 CFR 511.1 (OMB No. 0910–0450). The estimates in table 1 of this document reflect the burden associated with putting the same information on FDA Form #3488 and resulted from previous discussions with sponsors about the time necessary to complete this form.

Dated: February 9, 2007.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. E7–2710 Filed 2–15–07; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2007N–0050]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Label Comprehension Study

**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 a questionnaire to evaluate reader's comprehension of three versions of condom labeling through a label comprehension study.

**DATES:** Submit written or electronic comments on the collection of information by April 17, 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:** Denver Presley, Jr., Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

**SUPPLEMENTARY INFORMATION:** 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 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.

**Label Comprehension Study (U.S.C. 393 (d)(2)(C))**

FDA issued the ''Draft Guidance for Industry and FDA Staff: Class II Special Controls Guidance Document: Labeling for Male Condoms Made of Natural Rubber Latex'' on November 14, 2005 (70 FR 69156). Section 21 U.S.C. 393(d)(2)(C) of the Federal Food, Drug and Cosmetic Act (the act) states that the Secretary, through the Commissioner, shall be responsible to conduct research relating to devices in carrying out this chapter. In order to evaluate the understandability of the condom labeling language currently on the market and the labeling language proposed in this draft guidance, as well as a future revised version of the labeling, FDA plans to evaluate readers' comprehension of three versions of condom labeling through a label comprehension study.

The proposed label comprehension study will measure current and potential condom consumers' understanding of the current market labeling and the proposed condom labeling in the draft guidance of the retail package, foil and package insert of condom labeling, as well as a future revised version of the labeling. The label comprehension study will follow a sequential design, first testing both the current market labeling (Part A) and the draft labeling in the guidance (Part B) in Stage 1, and then a revised version of the labeling in Stage 2.

FDA will conduct a label comprehension study via a mall intercept/central location intercept methodology with pre-screened participants. FDA will administer a screening instrument, the REALM (Rapid Estimate of Adult Literacy in Medicine) test, an informed consent, and a questionnaire with approximately 20 questions related to the condom labeling language to a total of 1,200 participants: 400 participants for Part A of Stage 1, 400 participants for Part B of Stage 1, and 400 participants for Stage 2 of the study. Results of the study will be considered in FDA's condom labeling recommendations to provide important risk/benefit and use information associated with condoms in an easily understood language.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

| Activity | No. of Respondents | Annual Frequency per Response | Total Annual Responses | Hours per Response | Total Hours |
|---|---|---|---|---|---|
| Screening Tool | 3,300 | 1 | 3,300 | .05 | 165 |
| Stage 1: Part A—REALM test; Informed Consent; Read Labeling; Questionnaire | 400 | 1 | 400 | .45 | 180 |
| Stage 1: Part B—REALM test; Informed Consent; Read Labeling; Questionnaire | 400 | 1 | 400 | .45 | 180 |
| Stage 2—REALM test; Informed Consent; Read Labeling; Questionnaire | 400 | 1 | 400 | .45 | 180 |
| Total | ..... | ..... | ..... | ..... | 705 |

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

This was based on similar types of FDA studies conducted in the past. FDA has conducted both focus group studies and label comprehension studies, where similar participant activities, such as reading the labeling, taking the REALM test, signing the informed consent, and answering questions on a self-administered questionnaire took place. In order to achieve the 1,200 participants for the condom label comprehension study, FDA estimates screening 3,300 to achieve 1,200 interviews.

Dated: February 9, 2007.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. E7–2716 Filed 2–15–07; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2003N–0355]**

### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Devices; Exception From General Requirements for Informed Consent

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by March 19, 2007.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974.

**FOR FURTHER INFORMATION CONTACT:** Denver Presley, Jr., Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

### Medical Devices; Exception From General Requirements for Informed Consent—(OMB Control Number 0910–0586)—Extension

In the **Federal Register** of June 7, 2006 (71 FR 32827), FDA issued an interim final rule (hereinafter referred to as the June 7, 2006, interim final rule) to amend its regulations to establish a new exception from the general requirements for informed consent, to permit the use of investigational in vitro diagnostic devices to identify chemical, biological, radiological, or nuclear agents without informed consent in certain circumstances. The agency took this action because it is concerned that, during a potential terrorism event or other potential public health emergency, delaying the testing of specimens to obtain informed consent may threaten the life of the subject. In many instances, there may also be others who have been exposed to, or who may be at risk of exposure to, a dangerous chemical, biological, radiological, or nuclear agent, thus necessitating identification of the agent as soon as possible. FDA created this exception to help ensure that individuals who may have been exposed to a chemical, biological, radiological, or nuclear agent are able to benefit from the timely use of the most appropriate diagnostic devices, including those that are investigational.

FDA requested public comment on the information collection requirements in the June 7, 2006, interim final rule.

The collection of information requirements for the June 7, 2006, interim final rule were approved under the emergency processing provisions of the Paperwork Reduction Act (PRA), and assigned OMB control 0910–0586. With this approval, OMB informed the agency that the preamble and solicitation of public comment by the June 7, 2006, interim final rule would serve as a 60-day notice for the 3 year extension of this collection of information. In addition, OMB also requested that FDA, in submitting its extension request, summarize comments received in response to the 60-day notice, describe how the agency will address substantive issues raised by the commenters, and provide an update on the status of the final rule. FDA is responding to OMB's requests below:

FDA received 10 comments on the interim final rule, three of which related to the information collection requirements. The other comments on the rule will be addressed in the preamble to the final rule. FDA expects to publish the final rule in 2009.

One comment suggested that the requirement that a laboratory certify to an institutional review board (IRB) that the testing was done in a life-threatening situation and that it was not feasible to obtain consent serves no purpose, since these issues have already been pre-determined by FDA and provide the basis for exemption. FDA disagrees. The certification requirement ensures that the laboratory documents for the IRB that it is complying with the requirements of the regulation. The comment also stated that the concurrence of an independent physician, which will occur post-

testing, adds no value to the certification. FDA also disagrees with this point: the information is necessary because it provides confirmation from an independent source that the regulations are being followed. This provision is found in other FDA regulations and is an important additional protection to the subjects in these trials. Lastly, the comment stated that providing the subject with consent information is of no value because at that time the subject can not choose whether to have the specimen tested since the test has already been performed. According to the comment, sending the subject a copy of the notice to the IRB should be sufficient. While the comment correctly states that subjects can not give informed consent after the test has been performed, providing subjects with this information demonstrates respect for the individual (one of the core principles in the Belmont Report and an important component of human subject protection) by fully informing them of the circumstances of the trial. It would not be appropriate to send the subject the information provided to the IRB because the type of information the IRB usually receives would not fully inform the subject about the trial; the IRB document is typically written in technical language that is likely to be less understandable to subjects.

Another comment requested that § 50.32(e)(4) explicitly require investigators to notify the jurisdictional public health authority upon suspicion of need for testing for a chemical, biological, radiological, or nuclear agent with the investigational device; and further that the language should reinforce that investigators must provide test results to the jurisdictional public health authority in accordance with State and/or Federal law. This comment falls out of the scope of the questions posed in the **Federal Register** notice and this type of reporting to public health authorities is beyond FDA's purview.

The last comment encouraged FDA to consider increasing the length of time in which the written certification for the exception is required to be submitted, with the goal of easing the reporting burden. The certification is required to be submitted within 5 working days of the use of the investigational device. FDA believes that the 5-day reporting period is important because it helps ensure that IRBs will receive timely notice of instances in which this rule is used. In addition, the 5-day reporting period appears in other FDA human subject protection regulations that address other exceptions to the general requirement of obtaining informed consent and the agency believes that it is important to maintain consistency within its regulations wherever possible.

The likely respondents for this collection of information are clinical laboratories and physicians.

FDA estimates the burden of the collection of information as follows:

TABLE 1.—ESTIMATED AVERAGE ANNUAL REPORTING BURDEN[1]

| 21 CFR Section | No. of Respondents | Annual Frequency per Response | Total Annual Responses | Hours per Response | Total Hours |
|---|---|---|---|---|---|
| 50.23(e)(1) and (e)(2) | 150 | 3 | 450 | 2 | 900 |
| 50.23(e)(4) | 150 | 3 | 450 | 1 | 450 |
| Total Hours | | | | | 1,350 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of Information.

FDA is adding § 50.23(e)(1) (21 CFR 50.23(e)(1)) to provide an exception to the general rule that informed consent is required for the use of an investigational in vitro diagnostic device. This exception will apply to those situations in which the in vitro investigational diagnostic device is used to prepare for and respond to a chemical, biological, radiological, or nuclear terrorism event or other public health emergency, if the investigator and an independent licensed physician make the determination and later certify in writing that: (1) There is a life-threatening situation necessitating the use of the investigational device; (2) obtaining informed consent from the subject is not feasible because there was no way to predict the need to use the investigational device when the specimen was collected and there is not sufficient time to obtain consent from the subject or the subject's legally authorized representative; and (3) no satisfactory alternative device is available. Under the June 7, 2006, interim final rule these determinations are made before the device is used, and the written certifications are made within 5 working days after the use of the device. If use of the device is necessary to preserve the life of the subject and there is not sufficient time to obtain the determination of the independent licensed physician in advance of using the investigational device, § 50.23(e)(2) provides that the certifications must be made within 5 working days of use of the device. In either case, the certifications are submitted to the IRB within 5 working days of the use of the device.

From its knowledge of the industry, FDA estimates that there are approximately 150 laboratories that could perform this type of testing. FDA estimates that in the United States each year there are approximately 450 naturally occurring cases of diseases or conditions that are identified in CDC's list of category 'A' biological threat agents. The number of cases that would result from a terrorist event or other public health emergency is uncertain. Based on its knowledge of similar types of submissions, FDA estimates that it will take about 2 hours to prepare each certification.

Section 50.23(e)(4) provides that an investigator must disclose the investigational status of the device and what is known about the performance characteristics of the device at the time test results are reported to the subject's health care provider and public health authorities, as applicable. Under the June 7, 2006, interim final rule, the investigator provides the IRB with the information required by § 50.25 (21 CFR 50.25) (except for the information described in § 50.25(a)(8)) and the procedures that will be used to provide this information to each subject or the subject's legally authorized representative. Based on its knowledge of similar types of submissions, FDA estimates that it will take about 1 hour to prepare this information and submit it to the health care provider and, where appropriate, to public health authorities.

Dated: February 12, 2007.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. E7–2794 Filed 2–15–07; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2006E–0236]**

### Determination of Regulatory Review Period for Purposes of Patent Extension; TYGACIL

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined the regulatory review period for TYGACIL and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

**ADDRESSES:** Submit written comments and petitions 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*.

**FOR FURTHER INFORMATION CONTACT:** Beverly Friedman, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

**SUPPLEMENTARY INFORMATION:** The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the human drug product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product TYGACIL (tigecycline). TYGACIL is indicated for the treatment of infections caused by susceptible strains of the designated microorganisms in the conditions listed in this paragraph for patients 18 years of age and older: (1) Complicated skin and skin structure infections caused by *Escherichia coli* (*E. coli*), *Enterococcus* (*Entero.*) *faecalis* (vancomycin-susceptible isolates only), *Staphlococcus* (*Staph.*) *aureus* (methicillin-susceptible and -resistant isolates), *Streptococcus* (*Strept.*) *agalactiae*, *Strept. anginosus* group (includes *S. anginosus*, *S. intermedius*, and *S. constellatus*), *Strept. pyogenes* and *Bacteroides* (*B.*) *fragilis*; and (2) complicated intra-abdominal infections caused by *Citrobacter freundii*, *Enterobacter cloacae*, *E. coli*, *Klebsiella* (*K.*) *oxytoca*, *K. pneumoniae*, *Entero. faecaliss* (vancomycin-suspectible isolates only), *Staph. aureus* (methicillin-susceptible isolates only), *Strept. anginosus* group (includes *S. anginosus*, *S. intermedius*, and *S. constellatus*), *B. fragilis*, *B. thetaiotaomicron*, *B. uniformis*, *B. vulgatus*, *Clostridium perfringens*, and *Peptostreptococcus micros*. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for TYGACIL (U.S. Patent No. 5,494,903) from Wyeth Holdings Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated June 14, 2006, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of TYGACIL represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for TYGACIL is 2,487 days. Of this time, 2,304 days occurred during the testing phase of the regulatory review period, while 183 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: August 26, 1998. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 26, 1998.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act*: December 15, 2004. FDA has verified the applicant's claim that the new drug application (NDA) for TYGACIL (NDA 21–821) was initially submitted on December 15, 2004.

3. *The date the application was approved*: June 15, 2005. FDA has verified the applicant's claim that NDA 21–821 was approved on June 15, 2005.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,335 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by April 17, 2007. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 15, 2007. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

Comments and petitions may be seen in the Division of Dockets Management

between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 3, 2007.

**Jane A. Axelrad,**

*Associate Director for Policy, Center for Drug Evaluation and Research.*

[FR Doc. E7–2805 Filed 2–15–07; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[CGD17–07–001]**

### Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) Charter Renewal

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of Recertification.

**SUMMARY:** Under the Oil Terminal and Tanker Environmental Oversight Act of 1990, the Coast Guard may certify on an annual basis, an alternative voluntary advisory group in lieu of a regional citizens' advisory council for Prince William Sound, Alaska. This certification allows the PWSRCAC to monitor the activities of terminal facilities and crude oil tankers under the Prince William Sound Program established by the statute. The purpose of this notice is to inform the public that the Coast Guard has recertified the alternative voluntary advisory group for Prince William Sound, Alaska.

**DATES:** This recertification is effective for the period from March 1, 2007 through February 28, 2008.

**FOR FURTHER INFORMATION CONTACT:** You may request a copy of the recertification letter by writing to Commander, Seventeenth Coast Guard District (dpi), by phone at (907)463–2809, or by mail at P.O. Box 25517, Juneau, Alaska 99802.

**SUPPLEMENTARY INFORMATION:**

#### Background and Purpose

As part of the Oil Pollution Act of 1990, Congress passed the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), 33 U.S.C. 2732, to foster a long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals and oil tankers.

On October 18, 1991, the President delegated his authority under 33 U.S.C 2732 (o) to the Secretary of Transportation in Executive Order 12777, section 8(g) (see 56 FR 54757; October 22, 1991) for purposes of certifying advisory councils, or groups, subject to the Act. On March 3, 1992, the Secretary redelegated that authority to the Commandant of the USCG (see 57 FR 8582; March 11, 1992). The Commandant redelegated that authority to the Chief, Office of Marine Safety, Security and Environmental Protection (G–M) on March 19, 1992 (letter #5402).

On July 7, 1993, the USCG published a policy statement, 58 FR 36504, to clarify the factors that shall be considered in making the determination as to whether advisory councils, or groups, should be certified in accordance with the Act.

The Assistant Commandant for Marine Safety and Environmental Protection (G–M), redelegated recertification authority for advisory councils, or groups, to the Commander, Seventeenth Coast Guard District on February 26, 1999 (letter #16450).

On September 16, 2002, the USCG published a policy statement, 67 FR 58440, that changed the recertification procedures such that applicants are required to provide the USCG with comprehensive information every three years (triennially). For each of the two years between the triennial application procedure, applicants submit a letter requesting recertification that includes a description of any substantive changes to the information provided at the previous triennial recertification. Further, public comment is not solicited prior to recertification during streamlined years, only during the triennial comprehensive review.

#### Recertification

By letter dated January 30, 2007, the Commander, Seventeenth Coast Guard certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on February 28, 2008.

Dated: January 30, 2007.

**Arthur E. Brooks,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District.*

[FR Doc. E7–2824 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–15–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–48787–N–05]**

### Final Guidance on Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons: Announcement of Rescheduled Meeting

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Notice; Announcement of Rescheduled Meeting.

**SUMMARY:** On January 25, 2007, HUD announced through **Federal Register** notice a February 13, 2007, meeting to discuss HUD's final guidance on ''Federal Financial Assistance Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons'' (LEP Final Guidance). This meeting has been rescheduled for February 28, 2007, and the meeting will run from 3 p.m. to 5 p.m. (which is also a change from the February 13, 2007, meeting time of 2 p.m. to 4 p.m.).

Additionally, HUD's LEP Final Guidance was scheduled to become effective on February 21, 2007. By notice published elsewhere in today's **Federal Register**, the effective date of the guidance is now March 7, 2007.

**DATES:** HUD will conduct the meeting on LEP Final Guidance on February 28, 2007.

**ADDRESS:** The LEP Guidance meeting will be held from 3 p.m. to 5 p.m. (Eastern time) on February 28, 2007, at HUD Headquarters for which the address is the Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC. HUD is no longer soliciting participation in the meeting.

**FOR FURTHER INFORMATION CONTACT:** Pamela D. Walsh, Director, Program Standards and Compliance Division, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development 451 Seventh Street, SW., Room 5226, Washington, DC 20410–0500; telephone (202) 402–2288 (this is not a toll-free number). Persons with hearing or speech disabilities may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

**SUPPLEMENTARY INFORMATION**

**Background**

On January 22, 2007, HUD published in the **Federal Register** (72 FR 2732) final guidance to help recipients of federal financial assistance take reasonable steps to meet their regulatory and statutory obligations to ensure that LEP persons have meaningful access to HUD programs and activities. Under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, recipients of federal financial assistance have a responsibility to ensure meaningful access to programs and activities by LEP persons.

The January 22, 2007, LEP Final Guidance was preceded by proposed guidance published on December 19, 2003 (68 FR 70968) for which HUD solicited public comment. The LEP Final Guidance takes into consideration the public comments received on the December 19, 2003, proposed guidance. There are no significant changes between the proposed guidance and the final guidance. However, for purposes of clarification, several minor changes were made in Appendix A, and a new Appendix B has been added to the Guidance. Appendix B, ''Questions and Answers (Q&A),'' responds to frequently asked questions (FAQs) related to providing meaningful access to LEP persons. HUD's LEP Final Guidance can be found at *http://www.hud.gov/offices/fheo/promotingfh/lep.cfm.*

**February 28, 2007 Meeting**

HUD will hold a meeting on the guidance on February 28, 2007, from 3 p.m. to 5 p.m., at HUD Headquarters. Interested members of the public were earlier invited to attend this meeting, originally scheduled for February 13, 2007, by notice published in the **Federal Register** on January 25, 2007 (72 FR 3404). HUD is no longer soliciting participation in this meeting. Interested parties who contacted HUD by the response deadline of February 9, 2007, have received notification of confirmation to participate in the meeting.

Dated: February 12, 2007.

**Kim Kendrick,**

*Assistant Secretary for Fair Housing and Equal Opportunity.*

[FR Doc. E7–2811 Filed 2–15–07; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4878–N–04]**

### Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons: Change in Effective Date of Final Guidance

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Notice: Change in Effective Date of Final Guidance.

**SUMMARY:** Through this notice, HUD advises members of the public that its final ''Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons,'' as required by Executive Order (EO) 13166, published in the **Federal Register** on January 22, 2007, and scheduled to become effective on February 21, 2007, will now become effective on March 7, 2007.

HUD is moving the effective date to March 7, 2007, in order to allow HUD the opportunity to brief interested members of the public on the guidance before it takes effect. A meeting for this purpose originally scheduled to be held at HUD Headquarters on February 13, 2007, had to be rescheduled for February 28, 2007. Please see notice published elsewhere in today's **Federal Register**. Therefore, HUD is moving the effective date of the final guidance to March 7, 2007.

**DATES:** Effective Date: March 7, 2007.

**FOR FURTHER INFORMATION CONTACT:** Pamela D. Walsh, Director, Program Standards and Compliance Division, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5226, Washington DC 20410, *telephone:* (202) 402–2288 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** On January 22, 2007, HUD published in the **Federal Register** (72 FR 2732) final guidance to help recipients of federal financial assistance take reasonable steps to meet their regulatory and statutory obligations to ensure that LEP persons have meaningful access to HUD programs and activities (LEP Final Guidance). Under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, recipients of federal financial assistance have a responsibility to ensure meaningful access to programs and activities by LEP persons. HUD's LEP Final Guidance can be found at *http://www.hud.gov/offices/fheo/promotingfh/lep.cfm.* This guidance was scheduled to become effective on February 21, 2007.

In order to allow HUD to brief interested members of the public and affected parties, HUD is moving the effective date to March 7, 2007. HUD's briefing was originally scheduled for February 13, 2007, and has been rescheduled. Please see rescheduled meeting notice published elsewhere in today's **Federal Register**.

Dated: February 12, 2007.

**Kim Kendrick,**

*Assistant Secretary for Fair Housing and Equal Opportunity.*

[FR Doc. E7–2813 Filed 2–15–07; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Application of Endangered Species Recovery Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability and receipt of applications.

**SUMMARY:** We announce our receipt of applications to conduct certain activities pertaining to enhancement of survival of endangered species.

**DATES:** Written comments on this request for a permit must be received by March 19, 2007.

**ADDRESSES:** Written data or comments should be submitted to the Assistant Regional Director, Fisheries-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486; facsimile 303–236–0027. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act [5 U.S.C. 552A] and Freedom of Information Act [5 U.S.C. 552], by any party who submits a request for a copy of such documents within 30 days of the date of publication of this notice to Kris Olsen, by mail or by telephone at 303–236–4256. All comments received from individuals become part of the official public record.

**SUPPLEMENTARY INFORMATION:** The following applicants have requested issuance of enhancement of survival

permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Applicants: Omaha's Henry Doorly Zoo, Omaha, Nebraska, TE–053961; Turner Endangered Species Fund, Cimarron, New Mexico, TE–051139; Louisville Zoological Gardens, Louisville, Kentucky, TE–051826; Phoenix Zoo, Phoenix, Arizona, TE–051832; National Zoo, Front Royal, Virginia, TE–051828; National Zoo, Washington, DC, TE–051827; and Lee Richardson Zoo, Garden City, Kansas, TE–051825.

The applicants request renewed permits to possess black-footed ferrets (*Mustela nigripes*) for public display and propagation in conjunction with recovery activities for the purpose of enhancing their survival and recovery.

Dated: January 4, 2007.

**Mike Stempel,**

*Acting Regional Director, Denver, Colorado.*

[FR Doc. E7–2746 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Application of Endangered Species Recovery Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability and receipt of applications.

**SUMMARY:** We announce our receipt of applications to conduct certain activities pertaining to enhancement of survival of endangered species.

**DATES:** Written comments on this request for a permit must be received by March 19, 2007.

**ADDRESSES:** Written data or comments should be submitted to the Assistant Regional Director-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486; facsimile 303–236–0027. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act [5 U.S.C. 552A] and Freedom of Information Act [5 U.S.C. 552], by any party who submits a request for a copy of such documents within 30 days of the date of publication of this notice to Kris Olsen, by mail or by telephone at 303–236–4256. All comments received from individuals become part of the official public record.

**SUPPLEMENTARY INFORMATION:** The following applicants have requested issuance of enhancement of survival permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

*Applicants:* Detroit Zoological Institute, Detroit, Michigan, TE–056003, and St. Louis Zoological Park, St. Louis, Missouri, TE–051140. The applicants request permits to possess Wyoming toad (*Bufo baxteri*) for public display and propagation in conjunction with recovery activities for the purpose of enhancing its survival and recovery.

*Applicants:* Bureau of Land Management, Kanab Field Office, Kanab, Utah, TE–057401; SWCA Environmental Consultants, Broomfield, Colorado, TE–047252; and, Earthtouch Environmental Consulting, Provo, Utah, TE–060668. The applicants request renewed permits to take Southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant:* Brigham Young University, Department of Integrative Biology, Provo, Utah, TE–060645. The applicant requests a renewed permit to take June sucker (*Gila cypha*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant:* University of Wyoming, Wyoming Natural Diversity Database, Laramie, Wyoming, TE–085324. The applicant requests a renewed permit to take blowout penstemon (*Penstemon haydenii*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant:* Craig Kling TRC Mariah Associates, Inc., Laramie, Wyoming, TE–052582. The applicant requests a renewed permit to take Southwestern willow flycatcher (*Empidonax traillii extimus*) and black-footed ferret (*Mustela nigripes*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing their survival and recovery.

*Applicant:* U.S. Geological Survey, Conte Anadromous Fish Research Center, Turner Falls, Massachusetts, TE–059381. The applicant requests a renewed permit to take pallid sturgeon (*Scaphirhynchus albus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant:* Colorado State Parks, Natural Areas Program, Denver, Colorado, TE–051368. The applicant requests a renewed permit to take Clay-loving wild buckwheat (*Eriogonum pelinophilum*), Dudley Bluffs bladderpod (*Lesquerella congesta*), Dudley Bluffs twinpod (*Physaria obcordata*), Knowlton cactus (*Pediocactus knowltonii*), North Park phacelia (*Phacelia formosula*), Osterhout milk-vetch (*Astragalus osterhoutii*), Penland alpine fen mustard (*Eutrema penlandii*), and Penland beardtongue (*Penstemon penlandii*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing their survival and recovery.

*Applicant:* Montana Department of Fish, Wildlife and Parks, Helena, Montana, TE–047250. The applicant requests a renewed permit to take black-footed ferret (*Mustela nigripes*), Interior least tern (*Sternula antillarum*), pallid sturgeon (*Scaphirhynchus albus*), and piping plover (*Charadrius melodus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing their survival and recovery.

*Applicant:* National Park Service, Wind Cave National Park, Hot Springs, South Dakota, TE–145050. The applicant requests a permit to take black-footed ferret (*Mustela nigripes*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Dated: January 23, 2007.

**James J. Slack,**

*Deputy Regional Director, Denver, Colorado.*

[FR Doc. E7–2747 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Application of Endangered Species Recovery Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability and receipt of applications.

**SUMMARY:** We announce our receipt of applications to conduct certain activities pertaining to enhancement of survival of endangered species.

**DATES:** Written comments on this request for a permit must be received by March 19, 2007.

**ADDRESSES:** Written data or comments should be submitted to the Assistant Regional Director, Fisheries-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center,

Denver, Colorado 80225–0486; facsimile 303–236–0027. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act [5 U.S.C. 552A] and Freedom of Information Act [5 U.S.C. 552], by any party who submits a request for a copy of such documents within 30 days of the date of publication of this notice to Kris Olsen, by mail or by telephone at 303–236–4256. All comments received from individuals become part of the official public record.

**SUPPLEMENTARY INFORMATION:** The following applicants have requested issuance of enhancement of survival permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

*Applicant*—Colorado State University, Larval Fish Laboratory, Fort Collins, Colorado, TE–056079. The applicant requests a renewed permit to take Colorado pikeminnow (*Ptychocheilus lucius*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—Prairie Wildlife Research, Inc., Wellington, Colorado, TE–064682. The applicant requests a renewed permit to take black-footed ferret (*Mustela nigripes*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—Bureau of Land Management, Moab Field Office, Moab, Utah, TE–59105. The applicant requests a renewed permit to take Southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—Toledo Zoological Gardens, Toledo, Ohio, TE–052627. The applicant requests a renewed permit to take Wyoming toad (*Bufo baxteri*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—East Dakota Water Development District, Brookings, South Dakota, TE–056001. The applicant requests a renewed permit to take Topeka shiner (*Notropis topeka*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—Utah Division of Wildlife Resources, Department of Natural Resources, Salt Lake City, Utah, TE–047266. The applicant requests a renewed permit to take black-footed ferret (*Mustela nigripes*), bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), Humpback chub (*Gila cypha*), June sucker (*Chasmistes liorus*), razorback sucker (*Xyrauchen texanus*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Virgin River chub (*Gila robusta seminuda*), and woundfin (*Plagopterus argentissimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing their survival and recovery.

*Applicant*—Denver Botanic Gardens, Denver, Colorado, TE–106182. The applicant requests a renewed permit to take San Rafael cactus (*Pediocactus despainii*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—HDR Engineering, Salt Lake City, Utah, TE–058896. The applicant requests a renewed permit to take Southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—Red Butte Botanic Garden and Arboretum, Salt Lake City, Utah, TE–049109. The applicant requests a renewed permit to take Autumn buttercup (*Ranunculus acriformis aestivalis*), Barnaby reed-mustard (*Schoenocrambe barnebyi*), Barnaby ridge-cress (*Lepidium barnebyanum*), clay phacelia (*Phacelia argillacea*), Holmgren milk-vetch (*Astragalus holmgreniorum*), and Kodachrome bladderpod (*Lesquerella tumulosa*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing their survival and recovery.

*Applicant*—Kansas Department of Health and Environment, Topeka, Kansas, TE–064685. The applicant requests a renewed permit to take Topeka shiner (*Notropis topeka*) and pallid sturgeon (*Scaphirhynchus albus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing their survival and recovery.

*Applicant*—Cedar Creek Associates, Fort Collins, Colorado, TE–050704. The applicant requests a renewed permit to take Southwestern willow flycatchers (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant*—Wildlife Specialties, Lyons, Colorado, TE–080647. The applicant requests a permit amendment to add surveys for Southwestern willow flycatchers (*Empidonax traillii extimus*) in Arizona, in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Dated: January 29, 2007.

**James J. Slack,**

*Deputy Regional Director, Denver, Colorado.*

[FR Doc. E7–2750 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–55–P**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Applications for Endangered Species Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with endangered species.

**DATES:** We must receive written data or comments on these applications at the address given below, by *March 19, 2007.*

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist).

**FOR FURTHER INFORMATION CONTACT:** Victoria Davis, telephone 404/679–4176; facsimile 404/679–7081.

**SUPPLEMENTARY INFORMATION:** The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species. This notice is provided under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Service's Regional Office (see **ADDRESSES** section) or via electronic mail (e-mail) to *victoria_davis@fws.gov.* Please include your name and return address in your e-mail message. If you do not receive a confirmation from the Service that we

have received your e-mail message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT** section). Finally, you may hand deliver comments to the Service office listed above (see **ADDRESSES** section).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

*Applicant:* SeaWorld Orlando, John M. Kerivan, Jr., Orlando, Florida, TE134265–0.

The applicant requests authorization to take (receive, hold, rehabilitate, release, euthanize) the Kemp's Ridley sea turtle (*Lepidochelys kempii*), Hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and Olive Ridley sea turtle (*Lepidochelys olivacea*) while providing medical treatment and rehabilitation services. The proposed activities would occur at Sea World Orlando, Florida.

*Applicant:* Marine Life Center of Juno Beach, Lawrence D. Wood, Juno Beach, Florida, TE136808–0.

The applicant requests authorization to take (receive, hold, rehabilitate, release, euthanize) the Kemp's Ridley sea turtle (*Lepidochelys kempii*), Hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and Olive Ridley sea turtle (*Lepidochelys olivacea*) while providing medical treatment and rehabilitation services. The proposed activities would occur at the Marinelife Center of Juno Beach, Juno Beach, Florida.

*Applicant:* Theater of the Sea, Phelps Felix McKenney, Islamorada, Florida TE136811–0.

The applicant requests authorization to take (receive, hold, rehabilitate, release, euthanize) the Kemp's Ridley sea turtle (*Lepidochelys kempii*), Hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and Olive Ridley sea turtle (*Lepidochelys olivacea*) while providing medical treatment and rehabilitation services. The proposed activities would occur at the Marinelife Center of Juno Beach, Juno Beach, Florida.

*Applicant:* Bernard R, Kuhajda, University of Alabama, Tuscaloosa, Alabama; TE137403–0.

The applicant requests authorization to take (capture, collect tissues, collect vouchers, ear tag, release) the watercress darter (*Etheostoma nuchale*) while conducting presence/absence surveys, abundance/life history surveys, and genetic and life history studies. The proposed activities would occur in stream and spring tributaries to the lower Locust Fork, lower Mulberry Fork, and upper Black Warrior River in Jefferson, Walker, and Tuscaloosa counties, Alabama.

*Applicant:* Steven Bryan Castleberry, University of Georgia, Athens, Georgia, TE137411–0.

The applicant requests authorization to take (capture, mark, release) the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*) and Key Largo woodrat (*Neotoma floridana smalli*) while conducting population monitoring activities. The proposed activities would occur on the Crocodile Lake National Wildlife Refuge and the Dagny Johnson Key Largo Hammock Botanical State Park, Monroe County, Florida.

Dated: October 18, 2006.

**Jeffrey M. Fleming,**

*Acting Regional Director.*

[FR Doc. E7–2751 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Receipt of Applications for Endangered Species Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with endangered species.

**DATES:** We must receive written data or comments on these applications at the address given below, by March 19, 2007.

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist).

**FOR FURTHER INFORMATION CONTACT:** Victoria Davis, telephone 404–679–4176; facsimile 404–679–7081.

**SUPPLEMENTARY INFORMATION:** The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species. This notice is provided under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES** section) or via electronic mail (e-mail) to *victoria_davis@fws.gov.* Please include your name and return address in your e-mail message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your e-mail message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT** section). Finally, you may hand deliver comments to the Fish and Wildlife Service office listed above (see **ADDRESSES** section).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**Applicant: Ana E. Hiott, Norman, Oklahoma, TE140941–0**

The applicant requests authorization to take (capture, release, translocate) the American burying beetle (*Nicrophorus americanus*) while conducting presence/absence surveys and relocation activities. The activities would occur throughout the species range in Arkansas and Oklahoma.

**Applicant: Big Cypress National Preserve, Deborah Kay Jansen, Ochopee, Florida, TE141818–0**

The applicant requests authorization to take (capture, release, transport, chemically immobilize, hold temporarily, radio collar, take tissue and blood samples, provide medical treatment, release) the Florida panther (*Puma concolor coryi*) while maintaining a healthy panther population, assessing the habitat potential to support panthers, monitoring the effects of the genetic restoration project, and making sound management decisions regarding the increasing recreational demands on the resources as well as the proposed restoration projects affecting the Big Cypress National Preserve. The proposed activities would occur on the Big Cypress National Preserve, Collier, Dade, and Monroe Counties, Florida.

Dated: December 19, 2006.

**Cynthia Dohner,**

*Acting Regional Director.*

[FR Doc. E7–2752 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–55–P**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Endangered and Threatened Species Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications.

**SUMMARY:** The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

**DATES:** To ensure consideration, written comments must be received on or before March 19, 2007.

**ADDRESSES:** Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave., SW., Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Chief, Endangered Species Division, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103, (505) 248–6920.

**SUPPLEMENTARY INFORMATION:**

**Permit No. TE–141246**

*Applicant:* Canyon de Chelly, Chinle, Arizona. Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

**Permit No. TE–141253**

*Applicant:* Priscilla Crawford, Norman, Oklahoma. Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the interior least tern (*Sterna antillarum*) within Oklahoma.

**Permit No. TE–024789**

*Applicant:* Douglas Colby Henley, Tucson, Arizona. Applicant requests an amendment to an existing permit to conduct presence/absence surveys for the following species within Arizona, New Mexico, and Texas: Interior least tern (*Sterna antillarum*), northern aplomado falcon (*Falco femoralis septentrionalis*), and southwestern willow flycatcher (*Empidonax traillii extimus*).

**Permit No. TE–142723**

*Applicant:* Texas Department of Transportation, Austin, Texas. Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the following species within Texas: jaguarundi (*Herpailurus yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), black-capped vireo (*Vireo atricapillus*), golden-cheeked warbler (*Dendroica chrysoparia*), northern aplomado falcon (*Falco femoralis septentrionalis*), red-cockaded woodpecker (*Picoides borealis*), and Houston toad (*Bufo houstonensis*). Additionally, applicant requests authorization to survey for and collect the following species within Texas: *Batrisodes texanus* (Coffin Cave mold beetle), *Batrisodes venyivi* (Helotes mold beetle), *Cicurina baronia* (Robber Baron Cave meshweaver), *Cicurina madla* (Madla's cave meshweaver), *Cicurina venii* (Braken Bat Cave meshweaver), *Cicurina vespera* (Government Canyon Bat Cave meshweaver), *Neoleptoneta microps* (Government Canyon Bat Cave spider), *Neoleptoneta myopica* (Tooth Cave spider), *Rhadine exilis* (ground beetle, no common name), *Rhadine infernalis* (ground beetle, no common name), *Rhadine persephone* (Tooth Cave ground beetle), *Tartarocreagris texana* (Tooth Cave pseudoscorpion), *Texamaurops reddelli* (Kretschmarr Cave mold beetle), *Texella cokendolpheri* (Cokendolpher cave harvestman), *Texella reddelli* (Bee Creek Cave harvestman), and *Texella reyesi* (Bone Cave harvestman).

**Permit No. TE–829996**

*Applicant:* Houston Zoo, Inc., Houston, Texas. Applicant requests an amendment to an existing permit for research and recovery purposes to establish and maintain captive breeding facilities for Barton Springs salamander (*Eurycea sosorum*) and Houston toad (*Bufo houstonensis*) within Texas.

**Authority:** 16 U.S.C. 1531, *et seq.*

Dated: December 27, 2006.

**Nancy J. Gloman,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 07–716 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–55–M**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–100–07–1610–DP]**

### Notice of Availability of the Pinedale Draft Resource Management Plan Revision and Environmental Impact Statement

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*) the Bureau of Land Management (BLM) announces the availability of the Pinedale Draft Resource Management Plan Revision and Environmental Impact Statement (Draft RMP/EIS).

**DATES:** The Draft RMP/EIS will be available for public review for 90 calendar days from the date the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The BLM can best use comments and resource information submitted within this review period.

To ensure that the public has an opportunity to comment on the draft document, formal public hearings and open houses will be scheduled in Jackson, Rock Springs, Marbleton, and Pinedale, Wyoming. All meetings, hearings, or other public involvement activities will be announced at least 15 days in advance through public notices, media news releases, Web site announcements, or mailings.

**ADDRESSES:** Copies of the Draft RMP/EIS have been sent to affected Federal, State and local governments and to interested parties. The document will be available electronically on the following Web site: *http://www.blm.gov/rmp/wy/pinedale.* Copies of the document will be available for public inspection during normal business hours at the following locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.
- Bureau of Land Management, Pinedale Field Office, 432 East Mill Street, P. O. Box 768, Pinedale, Wyoming 82941.

Comments may be submitted by any of the following methods:

- *Web site: http://www.blm.gov/rmp/wy/pinedale,*
- *E-mail: pinedale_wymail@blm.gov*,
- *Facsimile:* (307) 367–5329, or
- *Mail:* Send to the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Kellie Roadifer, Team Leader, BLM Pinedale Field Office, 432 East Mill Street, P.O. Box 768, Pinedale, Wyoming 82941. Ms. Roadifer may also be contacted by telephone: (307) 367–5309. Requests for information may be sent electronically to: *pinedale_wymail@blm.gov* with Attention: ''Pinedale RMP Info Request'' in the subject line.

**SUPPLEMENTARY INFORMATION:** The Pinedale Field Office planning area is located in Sublette and Lincoln Counties, Wyoming. It includes approximately 922,880 acres of public land surface and 1,199,280 acres of Federal mineral estate administered by the BLM.

The existing Pinedale RMP was completed and its Record of Decision (ROD) signed on December 12, 1988. Since completion of the Pinedale RMP, as amended and maintained, new information and changed conditions within the planning area have resulted in a need for the BLM to update that RMP. These changes include but are not limited to: increased oil and gas exploration and development activities, heightened public awareness of and interest in BLM management actions and permitted uses, increasing demand for recreation activities on public lands, increasing conflicts between land uses, changes in national policies and interests, and expanded scientific knowledge and information.

Consistent with Federal regulations found at 43 Code of Federal Regulations (CFR) 1610.2, the BLM published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and initiate its revision of the Pinedale RMP (1988). The plan revision process would include review and analyses of current conditions, consideration of new data, new or revised policies, and consideration of circumstances affecting major portions of or the entire geographic area addressed in the 1988 Pinedale RMP. As part of the planning process, the BLM would develop goals and objectives for its management of the public land and resources that it administers. As required by the FLPMA planning regulations, the BLM would produce a revised plan and an EIS.

After its completion and issuance of a ROD, a revised Pinedale RMP/EIS would establish new land allocations and management guidance for the Pinedale planning area. Adoption of the revised RMP/EIS would not alter previously approved site-specific activities and developments such as the natural gas development of the Jonah Field and Pinedale Anticline. Existing leases and development would continue to be managed consistent with their respective operating plans and authorizations. However, if requested by operators or other permit holders, the BLM would consider revising leases and other authorizing instruments to incorporate revised RMP guidance or conditions included in its EIS ROD.

The Draft RMP/EIS describes existing conditions of the physical, biological, cultural, historic, and socioeconomic resources of and surrounding the planning area. Based on planning criteria and resource issues and concerns identified during scoping, alternatives for management were developed and impacts analyzed. Concerns about planning decisions to be made for the following were considered:

1. Energy and mineral resources exploration and economic development;
2. Access to and transportation systems on public lands;
3. Land ownership pattern adjustments;
4. Fire management;
5. Livestock grazing and vegetation management, including management of non-native and invasive species;
6. Air and water quality;
7. Management of impacts land uses and human activities to threatened, endangered, candidate and sensitive species, and wildlife habitat;
8. Management of cultural properties, visual resources, paleontological resources, recreation activities and off-road vehicles;
9. Existing lease rights; and
10. Potential socio-economic consequences of implementing revised plan decisions.

Based on the analyses of alternative management strategies and guidance and interdisciplinary team and cooperating agencies discussions, the Draft RMP\EIS ensures the sustainability of important resources such as crucial big game range and other wildlife habitats, air and water quality, scenic views, healthy vegetative cover, and soil stability while providing for resources uses such as mineral exploration and development, livestock grazing and range improvement, motorized and non-motorized recreation and economic development opportunities.

The BLM analyzed four alternatives for resource management planning in detail:

- *Alternative 1 (No Action):* Continues the current management goals, objectives and direction specified in the Pinedale RMP and ROD (1988).
- *Alternative 2:* Maximizes the production of resource commodities while providing an adequate level of environmental protection for other resources.
- *Alternative 3:* Provides a high level of environmental protection for wildlife habitat and other resource values, while allowing the production of resources commodities.
- *Alternative 4 (BLM Preferred Alternative):* Optimizes the mix of resource outputs, including production of resource commodities and wildlife habitat, while providing an appropriate level of environmental protection for all resources.

As established by the Pinedale RMP, there are two Areas of Critical Environmental Concern (ACEC), Rock Creek and Beaver Creek, totaling approximately 8,900 acres. With the Preferred Alternative, the BLM proposes to establish two additional ACECs:

- *Trappers Point—(4,000 acres):* Values of critical concern are big game

migration corridors, cultural and historic properties, and livestock trailing. Within this ACEC, fence construction and surface disturbing activities would be prohibited with the exception of activities designed to increase big game migration viability. The Area would be unavailable for oil and gas leasing. Off-road vehicle (ORV) use would be restricted to designated roads and trails and subject to a seasonal closure from November 15th through April 30th.

• *New Fork Potholes—(1,800 acres):* Values of critical concern are waterfowl, trumpeter swan, and riparian habitats. With the exception of those that would benefit wildlife habitat, surface disturbing activities would be prohibited. The Area would be unavailable for oil and gas leasing. ORV use would be restricted to designated roads and trails.

Three areas were proposed for consideration as ACECs: Ross Butte, White-tailed Prairie Dog and the Wind River Front. While the BLM found that these areas meet relevance and importance criteria and effects of including these proposals analyzed, none of them were recommended for inclusion in BLM's Preferred Alternative. Alternative 4 (Preferred Alternative) would establish two Special Recreation Management Areas (SMRAs): CCC Ponds and Boulder Lake. Alternative 4 also describes special management goals and objectives for Miller Mountain, Ross Butte, and the Wind River Front.

Much of the Pinedale planning area is considered to have a high potential for energy development. For those areas with high potential, the Draft RMP/EIS considers oil and gas, and wind energy development in support of the National Energy Plan and the Energy Policy Act of 2005.

Performance-based land use objectives would be emphasized in Alternative 4 (Preferred Alternative), and applied where appropriate in all alternatives except Alternative 1 (No Action). The Draft RMP/EIS considers and is in conformance with the BLM's National Fire Plan and Healthy Forest Initiative.

The BLM published its Notice of Intent (NOI) to prepare the revised RMP/EIS in the **Federal Register** on February 25, 2002. The BLM conducted open houses and mailed solicitations for public comments and input. Meetings were held to provide the public with an opportunity to gain information about the RMP revision process and to submit comments. Public meetings were held in the following Wyoming communities: Rock Springs, March 3, 2003; Pinedale, March 10, 2003; and Marbleton, March 11, 2003. During the scoping period the BLM received over 55,000 public comments.

Cooperating agencies assisting BLM in the development and preparation of the Draft RMP/EIS included county governments, conservation districts, other Federal agencies and the State of Wyoming. The BLM contacted tribal governments with possible interests, and offered opportunities for participation in the plan revision process. In preparation of the Draft RMP/EIS, the BLM considered all comments presented throughout the process. Background information and maps used in developing the Draft RMP/EIS are available for public review at the Pinedale Field Office.

The BLM welcomes your comments. To facilitate analysis of comments and information, the public is encouraged to submit comments in an electronic format either through the Web site identified in this notice or through electronic mail.

All comment submittals must include the commenter's name and street address. Comments including the names and street addresses of respondents will be available for public review at the Pinedale Field Office during its business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday except for Federal holidays. Your comments may be published as part of the EIS process. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by law. Anonymous comments will not be considered. All submissions from organizations or businesses will be made available for public inspection in their entirety.

**Donald A. Simpson,**

*Associate State Director.*

[FR Doc. E7–2678 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–22–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### Notice of Availability of Draft Environmental Impact Statement for the Truckhaven Geothermal Leasing Area, California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) for the Truckhaven Geothermal Leasing Area and by this notice is announcing the opening of the comment period. The main issues addressed in the Draft EIS are geothermal resource leasing, recreation, and special status species. The area is within the California Desert Conservation Area (CDCA) and the preferred alternative is in conformance with the land use plan for the area. There are no species listed for protection under the Endangered Species Act (ESA) that occur in the area; however, the listed desert pupfish occurs within two miles of the area and potential impacts to that species are addressed in the Draft EIS. BLM will consult with the Fish and Wildlife Service on the desert pupfish. The most common public use of the area currently is motorized recreation. Impacts to recreation are addressed in the Draft EIS. Mitigation measures to reduce or eliminate conflicts with these uses have been developed in coordination with the California Department of Parks and Recreation, a cooperating agency on the project. These measures will apply to both action alternatives.

**DATES:** BLM must receive written comments on the Draft EIS within 60 days following the date the Environmental Protection Agency publishes their Notice of Availability in the **Federal Register**. The BLM will announce future meetings and any other public involvement activities at least 15 days in advance through public notices, media news releases, and/or mailings.

**ADDRESSES:** You may submit comments by e-mail to *jdalton@ca.blm.gov*; fax to 951–697–5299; or mail to 22835 Calle San Juan de los Lagos, Moreno Valley, CA 92553.

**FOR FURTHER INFORMATION CONTACT:** John Dalton, 951–697–5311.

**SUPPLEMENTARY INFORMATION:** The Truckhaven Geothermal Leasing Area encompasses approximately 14,700 acres of Federal minerals in western Imperial County, California, north of State Route 78 and generally west and south of County Highway S–22. The area is part of the California Desert Conservation Area. The main issues addressed in the Draft EIS are geothermal resource leasing, recreation, and special status species. Three alternatives are analyzed in the Draft EIS: (1) No action, which would not lease any geothermal resources; (2) leasing only lands with existing noncompetitive lease applications; and

(3) the proposed action, which would offer all BLM managed lands within this area for lease, subject to certain stipulations and mitigation measures to be applied at the development stage. Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety. Copies of the Draft EIS are available in the California Desert District Office at the above address; the El Centro Field Office, 1661 S. 4th St., El Centro, CA; and the California State Office, 2800 Cottage Way, Sacramento, CA.

Dated: January 10, 2007.

**Thomas Zale,**

*Acting Field Manager.*

[FR Doc. E7–2682 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–40–P**

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[NV–050–5853–ES; N–75855; 7–08807]**

## Notice of Realty Recreation and Public Purposes Act Classification of Public Lands in Clark County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, approximately 15 acres of public land in Clark County, Nevada. The Legacy Vineyard Church proposes to use the land for a church and related facilities.

**DATES:** Interested parties may submit comments regarding the proposed lease/conveyance or classification of the lands until April 2, 2007.

**ADDRESSES:** Send written comments to the Field Manager, BLM Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada, 89130.

**FOR FURTHER INFORMATION CONTACT:** Sharon DiPinto, Assistant Field Manager, Bureau of Land Management, Las Vegas Field Office, at (702) 515–5062.

**SUPPLEMENTARY INFORMATION:** The following described public land in Clark County, Nevada, has been examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*), and is hereby classified accordingly: Mount Diablo Meridian, Nevada T. 19 S., R. 60 E., sec. 31: W½NE¼SW¼ SE¼, W½SE¼SW¼SE¼, E½NW¼SW¼SE¼. Containing 15 acres, more or less.

In accordance with the R&PP Act, the Legacy Vineyard Church filed an application for the above-described 15 acres of public land to be developed as a church and related facilities. These related facilities include a sanctuary building (offices, classrooms, kitchen, restrooms, utility/storage rooms, and a lobby), sidewalks, landscaped areas, paved parking areas, youth athletic fields, and off site improvements. Additional detailed information pertaining to this application, plan of development, and site plans is in case file N–75855 located in the BLM Las Vegas Field Office at the above address.

Churches are a common applicant under the ''public purposes'' provision of the R&PP Act. The Legacy Vineyard Church is an Internal Revenue Service registered non-profit organization and is, therefore, a qualified applicant under the R&PP Act.

The land is not needed for any Federal purpose. The lease/conveyance is consistent with the Las Vegas Resource Management Plan dated October 5, 1998, and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The lease/patent will be subject to:

1. An easement in favor of Clark County for roads, public utilities and flood control purposes.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

On February 16, 2007, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

### Comments

*Classification Comments:* Interested parties may submit comments involving the suitability of the land for a church and related facilities. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

*Application Comments:* Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for R&PP use.

*Confidentiality of Comments:* Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this notice will become effective April 17, 2007. The lands will not be offered for lease/conveyance until after the classification becomes effective.

**Authority:** 43 CFR part 2741.

**Sharon DiPinto,**

*Assistant Field Manager, Division of Lands, Las Vegas, NV.*

[FR Doc. E7–2814 Filed 2–15–07; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Minor Boundary Revision at Golden Gate National Recreation Area

**AGENCY:** National Park Service, Interior.

**ACTION:** Announcement of park boundary revision.

**SUMMARY:** Notice is hereby given that the boundary of Golden Gate National Recreation Area is modified to include five acres of real property adjacent to the park. This adjustment is accomplished to include private property that the owner wishes to donate to the United States for the use of Golden Gate National Recreation Area and which the National Park Service has concluded would be a valuable addition to the park. The real property added to the park is depicted as Tract 05–168 on Drawing No. 641/80,046, Sheet 6 of 26, Segment Map 05, dated November 3, 2006. *This map is on file and available for inspection at the following locations:* National Park Service, Land Resources Program Center, Pacific West Region, 1111 Jackson St., Suite 700, Oakland, CA 94607, and National Park Service, Department of the Interior, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** National Park Service, Gregory F. Gress, Chief, Pacific Land Resources Program Center, Pacific West Region, 1111 Jackson St., Suite 700, Oakland, CA 94607, (510) 817–1414.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**SUPPLEMENTARY INFORMATION:** The Act of October 27, 1972 provides that, after notifying the House Committee on Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundary of Golden Gate National Recreation Area by publication of a revised map or description in the **Federal Register**.

Dated: December 11, 2007.

**Jonathan B, Jarvis,**

*Regional Director, Pacific West Region.*

[FR Doc. E7–2758 Filed 2–15–07; 8:45 am]

BILLING CODE 4310–FN–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Availability of the Final Environmental Impact Statement/General Management Plan for Niobrara National Scenic River, Nebraska

**AGENCY:** National Park Service, Interior.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(c)), the National Park Service (NPS) announces the availability of the Final Environmental Impact Statement/General Management Plan (EIS/GMP) for Niobrara National Scenic River, Nebraska.

**DATES:** The Final EIS/GMP will remain available for public review for 30 days following the publishing of the notice of its availability in the **Federal Register** by the U.S. Environmental Protection Agency.

**ADDRESSES:** Requests for copies should be sent to the Superintendent, Niobrara National Scenic River, P.O. Box 591, O'Neill, Nebraska 68763. You may also view the document via the Internet through the NPS Planning, Environment, and Public Comment Web site (*http://parkplanning.nps.gov*); simply click on the link to Niobrara National Scenic River.

**SUPPLEMENTARY INFORMATION:** The NPS prepared a Draft EIS/GMP for the Niobrara National Scenic River, pursuant to section 102(c) of the National Environmental Policy Act of 1969. The draft was made available for public review for 90 days (mid-August through mid-October 2005) during which time the NPS distributed over 400 copies of the draft. The draft was also made available at the park offices, on the Internet, and at area libraries. Over 400 people attended the 32 public meetings, which included four open houses. Twenty-three written comment letters were received from Agencies, organizations, and the public. Comments from individuals and public agencies did not require the NPS to add other alternatives, alter existing alternatives, or make significant changes to the impact analysis of the effects of any alternative.

**FOR FURTHER INFORMATION CONTACT:** The Superintendent, Niobrara National Scenic River, P.O. Box 591, O'Neill, Nebraska 68763, telephone 402–336–3970.

Dated: August 15, 2006.

**Ernest Quintana,**

*Director, Midwest Region.*

**Editorial Note:** This document was received at the Office of the Federal Register on February 13, 2007.

[FR Doc. E7–2757 Filed 2–15–07; 8:45 am]

BILLING CODE 4312–BM–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Boston Harbor Islands Advisory Council; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (PL 92–463) that the Boston Harbor Islands Advisory Council will meet on Wednesday, March 7, 2007. The meeting will be held on Spectacle Island in the Boston Harbor Islands national park area. The boat will depart promptly at 3 p.m. from Fan Pier, 2 Northern Avenue, Boston, MA 02210. We suggest you arrive at least 20 minutes prior to departure to allow time for boarding. The boat will return to Fan Pier at 6:30 p.m. Meeting attendees should sign up in advance by contacting Mary Raczko at *Mary_Raczko@nps.gov* or 617–223–8637 to ensure a space on the boat. The trip will go rain or shine, but in the event of severe weather, the meeting will be moved to the National Park Service office at 408 Atlantic Avenue, Suite 237, Boston, MA and be held from 3:30 p.m. to 5:30 p.m. In the case of a boat cancellation, we will make every attempt to contact participants and notice will be posted on *http://www.BostonIslands.com* and on the park's information line 617–223–8666 (option #2 for trip updates).

The Advisory Council was appointed by the Director of National Park Service pursuant to Pub. L. 104–333. The 28 members represent business, educational/cultural, community and environmental entities; municipalities surrounding Boston Harbor; Boston Harbor advocates; and Native American interests. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operations of the Boston Harbor Islands national park area.

The Agenda for this meeting is as follows:

1. Call to Order, Introductions of Advisory Council members present
2. Review and approval of minutes of the December meeting

3. Guest Speaker, Kathy Abbott, Director, Conservation and Recreation Campaign
4. Membership/Election of Officers
5. Park Update
6. New Business
7. Public Comment
8. Adjourn

The meeting is open to the public. Further information concerning Council meetings may be obtained from the Superintendent, Boston Harbor Islands. Interested persons may make oral/written presentations to the Council or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Boston Harbor Islands NRA, 408 Atlantic Avenue, Boston, MA 02110, telephone (617) 223–8667.

Dated: January 18, 2007.

**Bruce Jacobson,**

*Superintendent, Boston Harbor Islands NRA.*

[FR Doc. E7–2756 Filed 2–15–07; 8:45 am]

BILLING CODE 4310–8G–P

## DEPARTMENT OF THE INTERIOR

## National Park Service

### Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission, Two Hundredth Sixtieth Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, Section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on March 5, 2007.

The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or her designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1 p.m. in the meeting room at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda.
2. Approval of Minutes of Previous Meeting (December 15, 2006).
3. Reports of Officers.
4. Reports of Subcommittees.
5. Superintendent's Report, Update on Dune Shacks and Report, ORV's and Piping Plover nesting impact, Herring River Restoration Project, Hunting EIS, Wind Turbines/Cell Towers, Reauthorization of the Commission, Fire Management Update/Ft Hill, Park ''Green'' practices and Flex Bus Update, Improved Properties/Town Bylaws.
6. Old Business.
7. New Business.
8. Date and agenda for next meeting.
9. Public comment and.
10. Adjournment.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

**George E. Price, Jr.,**

*Superintendent.*

[FR Doc. E7–2759 Filed 2–15–07; 8:45 am]

BILLING CODE 4310–70–P

## DEPARTMENT OF THE INTERIOR

## National Park Service

### National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before February 3, 2007. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by the United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by March 5, 2007.

**J. Paul Loether,**

*Chief National Register of Historic Places/National Historic Landmarks Program.*

**ILLINOIS**

**Morgan County**

Woodlawn Farm, 1463 Gierke Rd., Jacksonville, 07000146

**Peoria County**

YWCA Building, 301 NE Jefferson, Peoria, 07000147

**KANSAS**

**Crawford County**

Franklin Sidewalk, Parallel to Bus U.S. 69 bet. Franklin and Arma, Franklin, 07000143

**Ellis County**

Memorial City Hall, 911 Washington St., Ellis, 07000142

**Nemaha County**

Hand-Dug City Water Well, 301 N. 11th St., Seneca, 07000141

**Russell County**

Reiff Building, (Theaters and Opera Houses of Kansas MPS), 513 Main St., Dorrance, 07000140

**Sedgwick County**

McMullen House, 1003 N. Faulkner, Wichita, 07000138

**Shawnee County Bowker House, 1200 SE Quincy, Topeka, 07000139**

**MASSACHUSETTS**

**Berkshire County**

Pittsfield Cemetery, 203 Wahconah St., Pittsfield, 07000145

**Suffolk County**

Fort Banks Mortar Battery, Kennedy Dr., Winthrop, 07000144

**MISSISSIPPI**

**Newton County**

Newton County American Legion Post No. 89 Hut, MS 15 N, 0.4 mi. N of jct. Country Club Rd., Decatur, 07000148

**Tallahatchie County**

Tallahatchie County Second District Courthouse, 108 Main St., Sumner, 07000149

**NEW HAMPSHIRE**

**Hillsborough County**

Goffstown Main Street Historic District, Selected buildings on Church St., Depot St., High St., Main St., and N. Mast St., Goffstown, 07000153

Woodbury, Levi, Homestead, 1 Main St., Francetown, 07000152

**Merrimack County**

Dimond Hill Farm, 314 Hopkinton Rd., Concord, 07000155

Rolfe Barn, 16 Penacook St., Concord, 07000154

**NEW JERSEY**

**Mercer County**

Mount Rose General Store, 230 Hopewell-Princeton Rd. (Cty Rte 569), Hopewell Township, 07000150

**Warren County**

St. Luke's Episcopal Church, 346 High St., Hope, 07000151

**TENNESSEE**

**Dickson County**

Promise Land School, Promise Land Rd., N of Reddon Crossing/Will G Rd., Promise, 07000159

**Madison County**

Anderson Presbyterian Church, 899 Steam Mill Ferry Rd., Madison Hall, 07000157

**Roane County**

Post Oak Springs Christian Church, Roane St. Hwy (Old Kingston Hwy.) at Post Oak Rd., Post Oak, 07000156

**Williamson County**

Smithson—McCall Farm, (Historic Family Farms in Middle Tennessee MPS), 6779 Comstock Rd., Bethesda, 07000158

**VERMONT**

**Bennington County**

School Street Duplexes, 343–345 and 347–349 School St., Bennington, 07000162

**Rutland County**

West Haven Baptist Church, (Religious Buildings, Sites and Structures in Vermont MPS), 48 Book Rd., West Haven, 07000161

**Washington County**

Scampini Block, 289 N. Main St., Barre, 07000160

Requests for removal have been made for the following resources:

**NEBRASKA**

**Custer County**

Westcott, Gibbons & Bragg Store, Off NE 106, Comstock, 78001694

**Lancaster County**

(Nineteenth Century Terrace House TR), Baldwin Terrace, 429–443 S. 12th St., and 1134–1142 K St., Lincoln, 79003687

Metropolitan Apartments, 502 S. Twelfth St., Lincoln, 87002298

Townsend Photography Studio, 226 S. 11th St., Lincoln, 84000478

[FR Doc. E7–2713 Filed 2–15–07; 8:45 am]

BILLING CODE 4312–51–P

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–1104 (Final)]**

### Certain Polyester Staple Fiber from China

**AGENCY:** International Trade Commission.

**ACTION:** Revised schedule for the subject investigation.

**EFFECTIVE DATE:** February 9, 2007.

**FOR FURTHER INFORMATION CONTACT:** Nathanael Comly (202–205–3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:** On January 8, 2007, the Commission established a schedule for the conduct of the final phase of the subject investigation (72 FR 1342, January 11, 2007). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from March 12, 2007 to April 10, 2007 (72 FR 6201, February 9, 2007). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

Revisions to the Commission's current schedule for the investigation are as follows: the deadline for filing posthearing briefs is changed from March 20 to March 22, 2007; the deadline for a non-party to file a statement of information pertinent to the subject of the investigation, including statements of support or opposition to the petition, is changed from March 20 to March 22, 2007; comments on Commerce's final determination of sales at less than fair value (not to exceed 5 pages) may be filed on or before April 16, 2007; the date for final release of information by the Commission is changed from April 5 to May 8, 2007; the deadline for filing final party comments is changed from April 9 to May 10, 2007. All written submissions shall conform to the filing requirements set forth in our scheduling notice issued January 8, 2007 (72 FR 1341, January 11, 2007)

For further information concerning this investigation see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**Authority:** This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

Issued: February 13, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7–2818 Filed 2–15–07; 8:45 am]

BILLING CODE 7020–02–P

## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

**[F.C.S.C. Meeting Notice No. 2–07]**

### Sunshine Act Meeting Notice

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of Commission business and other matters specified, as follows:

**DATE AND TIME:** Thursday, February 22, 2007, at 10 a.m.

**SUBJECT MATTER:** Issuance of Proposed Decisions, Amended Proposed Decisions, and Amended Final Decisions in claims against Albania.

**STATUS:** Open.

All meetings are held at the Foreign claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

**Mauricio J. Tamargo,**

*Chairman.*

[FR Doc. 07–747 Filed 2–14–07; 2:51 pm]

BILLING CODE 4410–01–P

### Department of Justice

### Office of Justice Programs

**[OMB Number 1121–NEW]**

### Agency Information Collection Activities: Existing Collection in Use Without OMB Control Number; Comments Requested

**ACTION:** 30-Day notice of information collection under review: Survey of state criminal history information systems.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics (BJS), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork

Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 71, Number 242, page 75771 on December 18, 2006, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 19, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gerard Ramker, Bureau of Justice Statistics, 810 Seventh St., NW, Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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 agencies 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

Overview of this information collection:

(1) *Type of Information Collection:* Existing collection in use without OMB control number.

(2) *Title of the Form/Collection:* Survey of State Criminal History Information Systems.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Not applicable.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State Government. This information collection is a survey of State record repositories to estimate the percentage of total state records that are immediately available through the FBI's Interstate Identification Index and the percentage of records that are complete and fingerprint-supported.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 53 respondents will expend approximately 3 hours completing the survey once every two years.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 159 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 12, 2007.

**Lynn Bryant,**

*Department Clearance Officer, PRA, Department of Justice.*

[FR Doc. E7–2798 Filed 2–15–07; 8:45 am]

**BILLING CODE 4410–18–P**

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## Department of Justice

## Office of Justice Programs

**[OMB Number 1121–0166]**

## Bureau of Justice Assistance; Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review; Extension of Currently Approved Collection. Report of Public Safety Officers' Permanent and Total Disability Benefits

The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 17, 2007. If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact M. Pressley at 202–353–8643 or 1–866–859–2687, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC, 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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.

Overview of this information collection:

(1) *Type of information collection:* Extension of currently approved collection.

(2) *The title of the form/collection:* OJP FORM 3650/7 Public Safety Officers' Permanent and Total Disability Benefits.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* Dependents of public safety officers who were killed or permanently and totally disabled in the line of duty.

*Abstract:* BJA's Public Safety Officers' Benefits (PSOB) division will use the PSOEA Application information to confirm the eligibility of applicants to receive PSOEA benefits. Eligibility is dependent on several factors, including the applicant having received or being eligible to receive a portion of the PSOB Death Benefit, or having a family member who received the PSOB Disability Benefit. Also considered are the applicant's age and the schools being attended. In addition, information to help BJA identify an individual is collected, such as Social Security

number and contact numbers and e-mail addresses. The changes to the application form have been made in an effort to streamline the application process and eliminate requests for information that is either irrelevant or already being collected by other means.

*Others:* None.

(5) *An estimate of the total number of respondents and the amount of time needed for an average respondent to respond is as follows:* It is estimated that no more than 75 respondents will apply a year. Each application takes approximately 120 minutes to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Total Annual Reporting Burden: 75 x 120 minutes per application = 9,000 minutes / by 60 minutes per hour = 150 hours.

If additional information is required, please contact Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC, 20530.

Dated: February 12, 2007.

**Lynn Bryant,**

*Department Clearance Officer, PRA, United States Department of Justice.*

[FR Doc. E7–2799 Filed 2–15–07; 8:45 am]

**BILLING CODE 4410–18–P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

**[OMB Number 1121–NEW]**

### Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 30-day notice of new information collection: 2007 Survey of Public Defenders Offices.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. The proposed information collection was previously published in the **Federal Register** Volume 71, Number 242, page 75772 on December 18, 2006, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until March 19, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the pubic and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

—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.

Overview of this information:

(1) Type of Information Collection: Reinstatement, with change, of a previously approved collection for which approval has expired. 2007 Survey of Public Defenders Offices.

(2) The Title of the Form/Collection: 2007 Survey of Public Defenders Offices.

(3) The Agency Form Number, if any, and the Applicable Component of the Department Sponsoring the Collection: Previous OMB number was 1121–0095. The agency form numbers are 06–SPDO Form-A and 06–SPDO Form-B. Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) Affected Public Who Will be Asked or Required to Respond, as well as a Brief Abstract: Primary: All State- and locally-funded attorneys serving as the head public defender for a county, city, or judicial district. Other: None.

This nationwide information collection will identify the number and characteristics of state- and county-funded public defender offices. Information will be gathered on type of offenses represented, expenditures, caseloads, training requirements, funding sources, reliance on outside legal services, and other related administrative issues. The information collected will provide a comprehensive portrait of state and local efforts to meet the needs of indigent criminal defendants through designated public defender offices.

(5) An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond: An estimated 1,400 public defender offices will complete a 1-hour county questionnaire (06–SPDO Form-A).

(6) An Estimate of the Total Public Burden (in hours) Associated with the Collection: The estimated public burden associated with this collection is 1,400 hours. (1,400 data collection forms completed by each public defender office* one hour per form = 1,400 burden hours).

If additional information is required contact: Mrs. Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 12, 2007.

**Lynn Bryant,**

*Department Clearance Officer, PRA, United States Department of Justice.*

[FR Doc. E7–2800 Filed 2–15–07; 8:45 am]

**BILLING CODE 4410–18–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Submission for OMB Review: Comment Request

February 9, 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 Occupational Safety and Health Administration (OSHA), 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:* Occupational Safety and Health Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* Manufacturer's Certification of Modifications Made to Construction Aerial Lifts (29 CFR 1926.453).

*OMB Number:* 1218–0216.

*Type of Response:* Recordkeeping.

*Affected Public:* Public Sector: Business or other for-profits.

*Number of Respondents:* 62.

*Number of Annual Responses:* 62.

*Estimated Time per Response:* 6 minutes.

*Total Burden Hours:* 6.

*Total Annualized capital/startup costs:* $0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* $0.

*Description:* The objective of the Aerial Lifts Standard, ''the Standard'' at 29 CFR 1926.453 to protect employees who operate, or work near, aerial lifts. The only information collection requirement in the Aerial Lifts Standard is a certification provision, paragraph (a)(2). This provision requires an employer who field modifies an aerial lift for a use not intended by the lift manufacturer (''field modified aerial lift'') to obtain from that manufacturer, or an equivalent entity (such as a nationally-recognized laboratory), a written certificate stating that: The modification conforms to the applicable provisions of ANSI A92.2–1969 and OSHA's Aerial Lifts Standard; and the modified aerial lift is at least as safe as it was before modification.

Employers use the certification required in paragraph (a)(2) of the Standard as a record of equipment modification and to demonstrate to interested parties (*e.g.*, OSHA compliance officers, renters, lessees, owners) that the modified aerial lift remains at least as safe for employees, as the original equipment. Additionally, the certification provides the best means by which an OSHA compliance officer can determine that the manufacturer or an equally-qualified entity assessed a field modified aerial lift and found that it was safe for use by, or near, employees, and would provide employees with a level of protection at least equivalent to the protection afforded by the lift in its original configuration. Finally, employees may review the information on the certificate; such a review will provide them with information that they can use to determine the safety of the modified lifts.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

[FR Doc. E7–2745 Filed 2–15–07; 8:45 am]

BILLING CODE 4510–28–P

## DEPARTMENT OF LABOR

### Bureau of International Labor Affairs, Office of Trade and Labor Policy: Questions and Answers for Solicitation for Cooperative Agreement Application (SGA) 07–03, Strengthening Labor Systems in Central America: Establishing Worker Rights Centers

**AGENCY:** Bureau of International Labor Affairs, Office of Trade and Labor Affairs.

**ACTION:** Notice.

**SUMMARY:** In response to the subject solicitation, inquiries have been received regarding the requirements of the solicitation. This notice publishes the inquiries and the responses to the inquiries. Due to the pending closing date of February 23, 2007 no further questions will be entertained.

**FOR FURTHER INFORMATION CONTACT:** Lisa Harvey, Department of Labor, Procurement Services Center, S–4307, 200 Constitution Ave, NW., Washington DC, 20210, Telephone (202) 693–4592, e-mail: *Harvey-lisa@dol.gov.*

Q: Could you confirm that the grant seeks projects serving Central American laborers working in the countries listed, *i.e.*, not migrant laborers working in Central America and/or the United States?

A. The project seeks to serve Central American Laborers working in the countries listed.

Q. Is the aim of the project to help Central American laborers vindicate their rights under existing labor laws in their countries of origin, or also to help influence change in those laws for the better?

A. The SGA states ''this project provides assistance to improve the *effective enforcement of national labor laws* by strengthening the capacity of local organizations to provide advice to workers about the scope and applicability of relevant labor laws, and when necessary, provide legal services explaining the procedural and documentation requirements to exercise those rights.''

Q. If an organization wishes to apply to tackle part of the project (*i.e.*, in one or two of the countries concerned, rather than all), can it do so on its own, or must it do so as part of a larger association?

A. The Applicant must demonstrate how it will undertake activities in all countries listed, whether alone or through an association of organizations.

Signed this 12th day of February 2007.

**Lisa Harvey,**

*Grant Officer.*

[FR Doc. E7–2739 Filed 2–15–07; 8:45 am]

BILLING CODE 4510–28–P

## DEPARTMENT OF LABOR

### Bureau of International Labor Affairs, Office of Trade and Labor Affairs: Questions and Answers for Solicitation for Cooperative Agreement Application (SGA) 07–02, Strengthening Labor Compliance in the Agricultural Sector in Central America and the Dominican Republic

**AGENCY:** Bureau of International Labor Affairs, Office of Trade and Labor Affairs.

**ACTION:** Notice.

**SUMMARY:** In response to the subject solicitation, inquiries have been received regarding the requirements of the solicitation. This notice publishes the inquiries and the responses to the inquiries. Due to the pending closing date of February 23, 2007 no further questions will be entertained.

**FOR FURTHER INFORMATION CONTACT:** Lisa Harvey, Department of Labor,

Procurement Services Center, Room S–4307, 200 Constitution Ave, NW., Washington DC, 20210, Telephone (202) 693–4592, e-mail: *Harvey-lisa@dol.gov.*

Q: I am aware that this proposal concerns all C.A.F.T.A. countries but I am wondering if there are priority countries concerning this specific grant. My question is whether or not it is possible to submit a proposal for just one of the C.A.F.T.A countries (such as Honduras), or perhaps just 3 or 4 of the C.A.F.T.A. countries, or does the grant require a regional proposal?

A: The project must undertake activities in all countries within the lifetime of the grant, beginning at a minimum the first year in El Salvador and Nicaragua. The applicants experience may be in only one or more of the countries, but the proposed activities must eventually roll out to all the countries and will be judged on the merits of how it plans to do this. Specifically, the SGA states: Applicants should submit proposals that are regional in scope and demonstrate the organization's capabilities to implement a project in accordance with the Statement of Work and the selection criteria. Proposals must provide for activities in all countries, and begin the first year at a minimum in El Salvador and Nicaragua. Applicants will not be penalized for lacking previous experience working on regional projects. For example, organizations with experience in only one country will be judged based on the success they achieved in that country and their proposal for working successfully throughout the rest of the targeted region. USDOL encourages applicants to be creative in proposing innovative and cost-effective interventions that will produce a demonstrable and sustainable impact.

Q: Would DOL be interested in receiving a proposal that focuses on DOL's stated objectives but as related to migrant workers? Such a proposal/project could potentially compliment other proposals?

a. Related question to that, given that migrant populations are more significant in some Central American countries than others, could IOM propose activities based on the countries with significant populations, rather than in all the stated countries?

b. And finally, if DOL would be interested in migrant focused proposal, would they prefer we submit a joint proposal with another organization that could take on all the other non-migrant workers?

A: Please ensure that any proposals submitted respond to the objectives outlined in the SGA, which do not specify migrant worker rights.

Q. The solicitation asks that labor law compliance is improved in the DR, Nicaragua, and either Guatemala or Honduras. Is there a preference one way or the other on Guatemala or Honduras? Would DOL like an explanation for why one country is chosen over the other?

A. DOL does not have a preference between either country. Regarding your question as to whether DOL needs an explanation as to why one country was chosen over another, the Applicant would be expected to demonstrate ''the extent to which the application sets forth a clear and supportable course of action to improve labor law compliance'' in the particular countries included in their proposal.

Q. The Award Information explains that the duration of the project funded by this solicitation is up to four years. Does DOL place additional weight on proposals that are for the full 4 years or are projects that run for less time (2 or 3 years) considered on an equal playing field as those that propose 4 years? Obviously we would need to weight the amount of programming that can get done in 3 countries over a considerable amount of time with the amount of funding allocated.

A. The Applicant will be judged on the merits of their proposed strategy to achieve sustainable results. The SGA states ''Applicants will be evaluated on the clear identification and description of the specific strategy(s) the applicant proposes to use, and the effectiveness and attainability of project objectives by the end of the grant period''.

Q. The RFA reads ''an applicant must demonstrate a country presence, independently or through a relationship with another organization(s) with country presence, which gives it the ability to initiate program activities upon award of the Cooperative Agreement''. (said organization) currently has a country office in Honduras and has worked in Nicaragua and the DR in the past. I read that to mean that we would need to identify local partners that would be working with (said organization) on implementation in each country and they would be prepared and ready to begin implementation upon reception of the award. Is this an accurate reading or would (said organization) need to have some sort of office open in each country prior to the award?

A. (Said organization) would not necessarily need to have an office open in each country prior to the award, however it would have to demonstrate country presence ''independently or through a relationship with another organization(s) with country presence, which gives it the ability to initiate program activities upon award of the Cooperative Agreement.''

Q. From what I understand, DOL requires that our agreements with local organizations be in the form of contracts. Is this an accurate representation of DOL requirements everywhere? From our work in (country X), local NGOs would not have the capacity to operate under a traditional contract mechanism in that they do not have the capital to advance funding for work, but would instead require a sub-award to implement a project. Would this be acceptable?

A: The SGA consistently uses the terms ''subaward'' which can be either be a sub-contract or a sub-grant.

Signed this 12th day of February 2007.

**Lisa Harvey,**

*Grant Officer.*

[FR Doc. E7–2740 Filed 2–15–07; 8:45 am]

BILLING CODE 4510–28–P

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## DEPARTMENT OF LABOR

### Employment and Training Administration

### High Growth Job Training Initiative Grants for the Long-Term Care Sector of the Health Care Industry; Solicitation for Grant Applications

*Announcement Type:* New. Notice of solicitation for grant applications.

*Funding Opportunity Number:* SGA/DFA PY–06–07.

*Catalog of Federal Domestic Assistance CFDA Number:* 17.268.

*Key Dates:* Applications are due by April 5, 2007. A Webinar for prospective applicants will be held for this grant competition on March 5, 2007. Access information for the Webinar will be posted on the U.S. Department of Labor's Employment and Training Administration (ETA) Web site at *http://www.doleta.gov/BRG/Indprof/Health.cfm.*

*Summary:* The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), announces the availability of approximately $2.5 million in grant funds for demand-driven regional approaches to meeting the workforce challenges of the long-term care sector of the health care industry under the President's High Growth Job Training Initiative.

The President's High Growth Job Training Initiative (HGJTI) is a strategic effort to prepare workers for new and increasing job opportunities in high-growth, high-demand, and economically vital industries and sectors of the

American economy. Through the initiative, ETA identifies high-growth, high-demand industries, evaluates their skill needs, and funds local and national partnership-based demonstration projects that: (a) Address workforce challenges identified by employers; and (b) prepare workers for good jobs with career pathways in these rapidly expanding or transforming industries. When linked to broader regional economic and talent development strategies, the HGJTI approach strengthens regional employment and economic opportunities. The products, models, and effective approaches that result from HGJTI investments will be broadly disseminated to employers, education and training providers, and the workforce system to build their capacity to respond to employers' workforce needs.

Grant funds awarded under this Solicitation for Grant Applications (SGA) should be used to implement industry-driven training solutions that address the long-term care sector's critical workforce challenges. Each solution must take place in the context of a regional strategic partnership between the workforce investment system, long-term care employers, and education and training providers, as well as other public and private sector partners that bring critical assets to the table. Proposed solutions should take full advantage of existing workforce development models, promising practices, and tools. Solutions must either take an existing promising solution, model, or approach to scale in the region or adapt a solution that has been demonstrated to have positive impact on the identified workforce development challenges in another region.

Applicants may be public, private for-profit, and private non-profit organizations. It is anticipated that average individual awards will be approximately $500,000.

**SUPPLEMENTARY INFORMATION:** This solicitation provides background information on the High Growth Job Training Initiative and critical elements required of projects funded under the solicitation. It also describes the application submission requirements, the process that eligible applicants must use to apply for funds covered by this solicitation, and how grantees will be selected. This announcement consists of seven parts:

- Part I provides background information on the High Growth Job Training Initiative and workforce development for the long-term care sector.
- Part II describes the size and nature of the anticipated awards.
- Part III describes the qualifications of an eligible applicant.
- Part IV provides information on the application and submission process.
- Part V explains the review process and rating criteria that will be used to evaluate applications.
- Part VI provides award administration information.
- Part VII contains ETA contact information.
- Part VIII contains other information for applicants.

## Part I. Funding Opportunity Description

### *1. Background*

The growth of the elderly population in the United States is expected to rise from 8 million in 2000 to 19 million by 2050, according to the U.S. Census. As regions across the country begin to experience these significant demographic shifts, demand for long-term health care services will increase exponentially. Already, a growing gap is emerging between the supply of long-term care workers and the mounting needs of the elderly and people with disabilities for long-term care services—translating into rapidly increasing demand for well-trained direct care givers. As a highly regulated industry impacted by a range of complex factors, the need for systemic regional coordination around long-term care workforce development is clear. The workforce system is a key component in this regional coordination. Building strategic partnerships, integrating assets, connecting to broader long-term care delivery strategies and trends, and effectively managing resources and workforce strategies regionally will lead to better outcomes for both workers and employers.To support regional strategic partnerships focused on developing systemic solutions to long-term care workforce challenges, the Employment and Training Administration (ETA) is making funds available through the President's High Growth Job Training Initiative. The remaining sections of this part describe ETA's key strategies and approaches to workforce development and describe critical elements for the High Growth Job Training Initiative grants for the long-term care sector.

### *2. Globalization, Regional Innovation and Economic Competitiveness*

The world is now witnessing one of the greatest economic transformations in history. Revolutions in technology and information have ushered in the globalization of the economic marketplace. Globalization is marked by tremendous advances in communications, travel, and trade—allowing individuals instant access to commerce from almost anywhere in the world. At the same time, American businesses now compete not only with companies across the street, but also with companies around the globe.

Global competition is typically seen as a national challenge. In reality, regions are where companies, workers, researchers, entrepreneurs and governments come together to create a competitive advantage in the global marketplace. That advantage stems from the ability to transform new ideas and new knowledge into advanced, high quality products or services—in other words, to innovate.

Regions that are successful in creating a competitive advantage demonstrate the ability to organize ''innovation assets''—people, institutions, capital and infrastructure—to generate growth and prosperity in the region's economy. These regions are successful because they have connected three key elements: Workforce skills and lifelong learning strategies, investment and entrepreneurship strategies, and regional infrastructure and economic development strategies.

In the new global economy, a region's ability to develop, attract, and retain a well educated and skilled workforce is a key factor in our nation's economic competitiveness. A region may possess a strong infrastructure and the investment resources for success, but without the talented men and women to use those elements for economic growth, they are meaningless. Talent can also drive infrastructure and investment because investment capital is smart money and will follow talent, while infrastructure can be built to support a growing economy.

The health care industry plays a critical role in regional economic and talent development strategies for many regions across the country. As the largest industry in the U.S. economy in 2004, health care provided 13.5 million jobs nationally. The industry is frequently an engine of regional job growth, often serving as both a critical point of entry into the workforce and as a source of opportunities for career advancement. According to the Bureau of Labor Statistics, more new jobs—about 19 percent, or 3.6 million—created between 2004 and 2014 will be in health care than in any other industry. Trends in the long-term care sector play a crucial role in driving this job growth. In fact, over 800,000 jobs for direct care workers in the long-term care sector will be created between 2004 and

2014. Developing adequate numbers of skilled long-term care workers is particularly critical in regions currently experiencing or anticipating growth in the aging population, as this will significantly increase demand for services.

*3. Talent Development in the Global Economy*

Each year, the federal government invests billions of dollars in a state and local workforce investment network to assist businesses in recruiting, training, and retaining a skilled workforce. This network is called the workforce investment system, and consists of state and local workforce investment boards, state workforce agencies, and One-Stop Career Centers and their cooperating partners.

In this 21st century globally competitive economy, it is becoming increasingly important that the workforce system act as a strategic partner in regional economic development. As the leader in regional talent development, the workforce system aligns workforce investment dollars with regional economic growth goals by focusing on workforce and lifelong learning strategies that are demanded by employers and based on an understanding of future job growth in emerging, high-growth and economically vital industries and sectors of the American economy. Through this strategic alignment, the workforce system helps to ward off and respond to economic shocks, creating more stable and rewarding employment opportunities for the workforce. In addition, the system serves as a galvanizing partner by bringing together entities that can both grow talent, as well as leverage that talent base in attracting industry investment to the local or regional economy.

To maximize the impact of talent development activities, workforce investment boards must partner with a strong team composed of individuals and organizations necessary to transform the regional economy, including: Employers; educators at all levels, including community colleges; economic development entities; local, regional, and state government; the philanthropic community; faith-based and community organizations; research institutions; and other civic leaders with a stake in economic growth and talent development.

*4. Solutions-Based Approaches to Workforce Investment Strategies: A Key Component for Regional Innovation and Talent Development*

Within the context of these strategic partnerships, the workforce system should take a solutions-based approach to workforce development, focusing on systemic solutions that address short term challenges while contributing to long-term talent development and economic growth. Partners should work collaboratively to:

(1) Identify the regional economy;

(2) Form a core leadership group that is responsible for developing and implementing solutions and guiding the effort;

(3) Collect and analyze information about regional workforce needs and critical capacity constraints;

(4) Work collaboratively to explore, frame, and implement solutions; and

(5) Leverage resources and measure progress and outcomes.

Please note, this process is not linear—the steps may occur and reoccur depending on regional circumstances. The goal of this process is to ensure that workforce system resources help workers get education and training that aligns with regional industry-identified needs and job opportunities, and that these needs reflect economic development priorities in the region.

The Employment and Training Administration (ETA) has modeled the role of strategic partnerships in demand-driven workforce investment through the President's High Growth Job Training Initiative (HGJTI). Through the initiative, ETA has identified high-growth, high-demand industries; evaluated their skill needs; and funded local and national partnership-based demonstration projects that provide workforce solutions to ensure that individuals can gain the skills to get good jobs with career pathways in rapidly expanding or transforming industries.

The foundation of the HGJTI has been partnerships between the publicly funded workforce investment system, business and industry representatives, and the continuum of education. These partnerships engage each partner in its area of strength. Industry representatives and employers define workforce challenges facing the industry and identify the competencies and skills required for the industry's workforce. Education and training providers, such as community colleges, assist in developing competency models and curricula and train new and incumbent workers. The workforce investment system compiles and analyzes local labor market information, accesses human capital (e.g. youth, unemployed, underemployed, and dislocated workers), provides funding to support training for qualified individuals, and connects trained workers to good jobs.

Recognizing the growing need for regional economic competitiveness in the global economy, ETA has continued to evolve its strategies for supporting strategic workforce development. In February 2006, ETA launched the Workforce Innovation in Regional Economic Development (WIRED) Initiative, focusing on the role of talent development in driving regional economic competitiveness, leading to increased job growth and new opportunities for American workers. To optimize innovation and successful regional economic transformation, the WIRED framework brings together all the key players in a region to leverage their collective public and private sector assets and resources, and to devise strategies that focus on infrastructure, investment, and talent development.

The WIRED strategic framework supports regions in incorporating demand-driven talent and skills development into their larger economic strategies and integrating workforce development, economic development, and education efforts into a comprehensive system that is both flexible and responsive to the needs of business and workers.

*5. The Long-Term Care Sector and Its Workforce Challenges*

The long-term care sector is a powerful regional job engine for direct care occupations as well as an important entry point into licensed health-related occupations. Talent development strategies to support recruitment, retention, and career pathways in this sector are critical to the current and future health of the American people, as well as the economic vitality of regions throughout the United States.

In 2004, approximately 2.09 million direct care workers in long-term care occupations provided care to Americans in long-term care settings, including nursing and personal care facilities, residential care facilities, and home health and community-based care services. Direct care workers include registered nurses (RNs), licensed practical and vocational nurses, paraprofessionals, including nurse aides, home health aides, and home and personal care workers, and direct support professionals. More than 70 percent of long-term care workers are paraprofessionals.

The long-term care sector is facing rapidly increasing demand for care over

the next half century. The Bureau of Labor Statistics (BLS) estimates that by 2014, direct care worker jobs in long-term care settings should grow by about 830,000 jobs, or roughly 40 percent. Most of this increase will be driven by the growth in the number of elderly in need of such care. The number of individuals using either nursing facilities, alternative residential care, or home and community care services is expected to increase from 15 million in 2000 to 27 million in 2050.

Changes in service delivery systems in long-term care are also impacting job growth. For example, a trend in the long-term care system in which services are increasingly provided in home and community-based settings is creating stronger projected growth in home health aides and personal and home care aides occupations. According to the Bureau of Labor Statistics, home health aides is expected to be the fastest growing occupation in the United States through 2014, growing at a rate of 56 percent, adding 350,000 new jobs.

ETA began its engagement with the long-term care sector of the health care industry in 2003 with a series of forums through which industry executives shared their workforce challenges. Simultaneously, the Department of Labor began to collaborate with the Department of Health and Human Services (HHS) to help support mutual understanding and collaboration between long-term care employers and the workforce investment system. Since that time, ETA has continued to support and further develop the role of the workforce system in response to long-term care workforce challenges through information sharing, partnership development, technical assistance, and investment in workforce solutions.

Through ETA-sponsored industry forums, long-term care employers and industry representatives identified numerous workforce challenges, as identified below. Applicants are encouraged to address one or more of these challenges in their proposal.

*Recruitment of Direct Care Workers.* The increase in demand for long-term care services is occurring at a time when the supply of workers who have traditionally filled these jobs—women between the ages of 25 and 44—is expected to increase only slightly. As a result of social and economic shifts, the long-term care sector must now compete for this traditional labor pool against many other industries and sectors. To meet increased demand, the sector will need to recruit from a wide range of labor pools while working to increase the competitiveness of its jobs. At the same time, the sector needs targeted recruitment and assessment strategies to identify ideal candidates who understand the demanding nature of long-term care work and possess the appropriate skills and abilities to succeed on the job.

*Retention of Direct Care Workers.* Challenges in filling current and projected direct care vacancies are exacerbated by high turn-over rates in the industry. Estimates of worker turnover rates vary based on the data source and how turnover is measured; however, a report by the Government Accountability Office (GAO) in 2001 confirms wide variation in turnover rates and concludes rates typically exceed 50%. Industry leaders reported to ETA turn over rates of frontline caregivers exceeding 100% annually. High rates of staff vacancies and turnover have negative effects on providers, consumers, and workers in a variety of ways: The cost to providers of replacing workers is high; quality of care may suffer; and workers in understaffed environments may suffer higher rates of injury.

Numerous factors contribute to the difficulty in recruiting and retaining paraprofessionals. For example:

- Wages are generally low and benefits are poor because facilities, in particular, remain strongly dependent on public reimbursement rates;
- Job preparation, continuing education, and training frequently fail to prepare these workers for what they face in caring for people with increasingly complex needs;
- Advancement opportunities are often limited; and
- Paraprofessionals report that they often do not feel valued or respected by their employers and supervisors.

*Entry-level and Incumbent Worker Skill Development.* It is critical that the long-term care industry fill vacant and projected positions with well-trained, skilled workers capable of providing high-quality care. Technological advances, changing care needs, and demanding management environments call for enhanced, competency-based skill development through training of both entry-level and incumbent workers. Many employers report that workers struggle to advance their careers, both because skill gaps can be large, and because career pathways and opportunities may not be articulated clearly. Employers also report that limited health care training capacity in many communities creates bottlenecks that impact the long-term care workforce pipeline.

*6. Long-Term Care Workforce Development Strategies*

The long-term care sector, workforce development practitioners, and educators have developed a number of approaches for addressing long-term care workforce challenges. Broadly speaking, these approaches involve efforts to improve wages and benefits, create opportunities for skill development and career advancement (e.g. career ladders and lattices), and improve the workplace environment, including management and supervision of paraprofessional workers. The workforce investment system has been particularly engaged in solutions that focus on recruiting workers to the sector, developing opportunities for training and career advancement, and helping to impact job quality by delivery of incumbent worker supervisory training. Examples of promising solutions include:

- Career lattices that provide pathways to advancement and specialization from all points of entry in the long-term care sector;
- Expansion of education capacity, including the integration of learning technology that offers flexibility in time and place of training, and maximizes effectiveness of limited training resources and the adoption of innovative training methodologies such as apprenticeship and on-the-job training;
- Targeted recruitment strategies;
- Mentoring programs for new employees;
- Development of a diverse pipeline of future workers; and
- Competency-based training for incumbent workers in supervisory and team leadership skills.

*7. Critical Elements of Long-Term Care Workforce Development Grants*

Grants funded through this SGA are expected to contain at least five critical elements. These elements consist of: (A) Strategic regional partnerships; (B) data driven analysis of regional long-term care workforce challenges and solutions; (C) systemic solutions to industry identified workforce challenges; (D) shared and leveraged resources for implementation; and (E) clear and specific outcomes. Each of these characteristics will be reflected in the ratings criteria in Part V and is described in further detail below.

A. Strategic Regional Partnership

ETA believes that strategic partnerships between the workforce investment system, employers, and education and training providers need

to be in place in order to implement effective demand-driven training and capacity building strategies. Strategic partnerships between these three entities are a required component of proposals submitted under this SGA, as detailed in Part III.2, and they may have a regional, statewide, or multi-state focus, as defined by the applicant.

In addition to the required entities, the partnership should include a strong, broad consortium of the individuals and organizations necessary to resolve systemic long-term care workforce challenges, including partners such as organizations representing the long-term care industry, the long-term care workforce, and/or consumers; state Medicare/Medicaid offices and other state agencies addressing long-term care delivery, payment, or workforce issues; technical assistance providers such as Area Health Education Centers and Quality Improvement Organizations; faith-based and community organizations that provide recruitment and retention support to entry-level workers; and other stakeholders.

A regional approach is necessary to ensure that the full range of assets, resources, knowledge, and leadership are at the table. The strategic partnership should focus broadly on the workforce challenges facing the long-term care sector, and should work collaboratively to identify and implement a wide range of solutions. Additionally, the partnership should include entities that can act as levers of change to identify and address barriers to success. Partners should have a demonstrated record of close collaboration or coordination. If a high level of coordination or collaboration does not exist, applicants must demonstrate their capacity to quickly establish these links and discuss strategies for strengthening the partnership. Applicants are advised that grant funds may not be used for partnership development.

In order to maximize the long-term success of the proposed solution and to keep pace with the rapid changes both in the economy and the nature of the skills and competencies necessary for work in this sector, these partnerships need to be substantial and sustained. Therefore, the proposed solution to be funded through this solicitation should be one of many strategies that evolve from the partnership. ETA encourages partners to plan for the partnership's sustainability beyond the HGJTI investment period to enable ongoing assessment of industry workforce needs and collaborative development of solutions.

Each partner should have clearly defined roles in the proposed solutions. The exact nature of these roles may vary depending on the issue areas being addressed and the scope and nature of the activities undertaken. However, ETA expects that each collaborative partner will, at minimum, significantly contribute to one or more aspects of the project. For example, employers must be actively engaged in the project and may contribute to many aspects of grant activities including defining the program strategy and goals, identifying needed skills and competencies, and, where appropriate, hiring qualified training graduates and/or training existing staff. Education and training providers from the continuum of education, which includes K–12, community and technical colleges, four year colleges and universities, and other training entities, should assist in developing and implementing industry-driven workforce education strategies in partnership with employers including competency models, curricula, and new learning methodologies such as apprenticeship training.

The workforce investment system may play a number of roles, including compiling and analyzing labor market information, identifying and assessing candidates for training and employment, providing wrap-around support services and training funds for qualified individuals, where appropriate, and connecting qualified training graduates to employers that have existing job openings.

Partnerships with faith-based and community organizations are also encouraged. Grantees may elect to sub-award funds to faith-based and community organizations to perform a variety of grant services such as case management, mentoring, and English language programs, among others. Faith-based and community organizations can also provide wrap-around holistic and comprehensive support services where appropriate, such as employability training and career awareness activities. Faith-based and community organizations can also be helpful in identifying under-employed populations and pipelines of potential trainees, including low-income populations, immigrants, etc., and can provide the culturally-relevant supports and follow-up services necessary to aid in job retention.

B. Data Driven Analysis of Regional Long-Term Care Workforce Challenges and Assets Available for Solutions

The basis of partnership engagement and activity should be a data-driven analysis of workforce development challenges and the regional assets available for solutions. Economic regions do not typically correspond to geographic or political jurisdictions such as municipal boundaries or state, county, local workforce investment areas. Thus, partners should develop a regional understanding of the long-term care sector that is comprised of multiple jurisdictions within a state or across state borders.

C. Systemic Solutions to Industry Identified Workforce Challenges

Grants funded under this SGA should demonstrate how a demand-driven workforce system can more effectively meet the regional workforce needs of long-term care employers while at the same time helping workers find good jobs with promising career pathways. Proposed solutions should be focused and integrated, and should be driven by an accurate and comprehensive understanding of regional industry-identified workforce challenges and the educational, workforce, and other assets available to support systemic solutions.

Applicants should note that grants under this SGA are not intended to support the development of entirely new solutions to long-term care workforce challenges. Rather, they are intended to support partnerships that either a) take an existing promising solution, model, or approach to scale in the region and/or b) adapt a solution, model, or approach that has been demonstrated to have positive impact on the identified workforce challenges in another region or context. The long-term care sector and many public and private partners have been developing solutions to long-term care workforce challenges for many years. Grants funded under this SGA should demonstrate an understanding of the growing body of knowledge from public, private, and governmental sources about effective workforce development practices for this sector. A sampling of resources for workforce solutions and workforce development tools is available in Appendix A to assist applicants in identifying appropriate existing solution models.

Applicants are not limited in the strategies and approaches they may use to implement solutions provided the strategy is well developed, addresses industry-defined regional workforce challenges, and includes training to prepare entry level and/or incumbent workers for the long-term care industry. To the extent possible, applicants are encouraged to design training activities that (a) occur within the context of workforce education that supports long-term career growth, such as an

articulated career ladder/lattice; and (b) result in credentials that are industry-recognized and indicate a level of mastery and competence in a given field or function. Please note that ETA is particularly interested in projects that focus on the direct care occupations described in Part I.5.

Examples of potential solutions include:

1. A program to create articulated career pathways for workers from entry-level occupations, such as direct support specialists, CNAs, and home health aids, to more advanced or specialized positions, drawing on a variety of education and development techniques, including apprenticeship training.

2. A program to support recruitment and retention of direct care workers through strategic recruitment campaigns and enhanced training opportunities.

3. A program to promote workplace retention by providing peer mentoring and supervisory training to incumbent workers.

Where appropriate, applicants are encouraged to align long-term care solutions with broader health care workforce development strategies in the region to further strengthen recruitment, retention, skill development, education capacity-building, and career ladder/lattice development.

ETA recognizes that a great deal of work is being done in the area of improving job quality for long-term care workers. While the goal of this SGA is to support workforce development solutions targeted at training and skill enhancement, grantees are encouraged to link activities under this grant to broader state and regional activities and strategies to improve long-term care job quality.

D. Shared and Leveraged Resources for Implementation

Investments under this SGA should leverage funds and resources from key entities in the strategic partnership. Leveraging resources in the context of strategic partnerships accomplishes three goals: (1) It allows for the pursuit of resources driven by the strategy; (2) it increases stakeholder investment in the project at all levels including design and implementation phases; and (3) it broadens the impact of the project itself by creating alignment with other funding streams. Projects funded under this SGA should demonstrate that their efforts align with federal, state, regional, and local assets and resources.

Leveraged resources include both federal and non-federal funds and may come from many sources. Businesses, faith-based and community organizations, economic development entities, state and local government agencies, education systems, and philanthropic foundations often invest resources to support workforce development. In addition, other federal, state, and local government programs may have resources available that can be integrated into the proposed project. Examples of such programs include other Department of Labor (DOL) programs such as registered apprenticeship and Job Corps, as well as non-DOL-funded One-Stop partner programs such as Vocational Rehabilitation and Adult Education. ETA encourages grantees and their partners to be entrepreneurial as they seek out, utilize, and sustain these resources when creating effective solutions to the workforce challenges identified by the industry.

Please note that this grant opportunity has a match requirement. Information on the match requirement can be found in Part III.4.

E. Clear and Specific Outcomes

Grants awarded under this initiative are results-oriented and demonstrate clear and specific outcomes that are appropriate to the nature of the solution and the size of the project and that indicate progress towards the workforce challenges identified by the partnership. Because HGJTI grants invest in customized strategies to address local workforce challenges and skill shortages, ETA recognizes that outcomes will vary from project to project based on the specific activities proposed. HGJTI grants should demonstrate the effectiveness of all activities by creating appropriate benchmarks and measuring against them on a regular basis.

Training outcomes must include those tracked by the Common Measures, OMB-approved uniform evaluation metrics for job training and employment programs. These outcomes include average earnings, job placements, and job retention. A detailed description of ETA's policy on the Common Measures can be found on the Common Measures/Individual Program Performance webpage at *http://www.doleta.gov/Performance/quickview/IPPMeasures.cfm.*

Grants that include additional non-training activities should track the impact of those activities on employers, workers, and appropriate partners. All outcomes and impacts of the proposed project should satisfactorily address the workforce needs identified by the partnership. Where appropriate, grants should use standard industry outcome measures.

**Part II. Award Information**

*1. Award Amount*

ETA intends to fund five projects at approximately the $500,000 level; however, this does not preclude funding grants at either a lower or higher amount, or funding a smaller or larger number of projects, based on the type and the number of quality submissions. Applicants are encouraged to submit budgets for quality projects at whatever funding level is appropriate to the project. Nevertheless, applicants should recognize that the limited funds available through this SGA are intended to supplement project budgets rather than be the sole source of funds for the proposal.

*2. Period of Performance*

The period of grant performance will be 36 months from the date of execution of the grant documents. This performance period shall include all necessary implementation and start-up activities as well as participant follow-up for performance outcomes and grant close-out activities. A timeline clearly detailing these required grant activities and their expected completion dates must be included in the grant application. If applied for and with significant justification, ETA may elect to exercise its option to award no-cost extensions to these grants for an additional period at its own discretion, based on the success of the program and other relevant factors.

**Part III. Eligibility Information**

*1. Eligible Applicants*

Applicants may be public, private for-profit, and private non-profit organizations including faith-based and community organizations. The application must clearly identify the applicant and describe its capacity to administer the HGJTI long-term care grant, in terms of organizational and strategic leadership capacity and data management capabilities. Applications for supplementation of distinct on-going projects, regardless of funding source, are eligible for consideration under this SGA; however, applications for renewal of existing projects will not be considered. Please note that the applicant and fiscal agent must be the same organization.

*2. Required Partners*

Applicants must demonstrate the existence of a partnership that includes at least one entity from each of three categories: (1) The publicly funded Workforce Investment System, which may include state and local Workforce Investment Boards, State Workforce

Agencies, and One-Stop Career Centers and their partners; (2) the education and training community, which includes the K–12 system, community and technical colleges, four year colleges and universities, and other training entities; and (3) long-term care employers. This partnership should be regional in nature, as defined by the applicant.

*3. Proposed Solutions*

Building on Existing Best Practices

This SGA is intended to support regional long-term care workforce development strategies that take full advantage of existing solutions, models, promising practices, and tools while meeting the specific needs and circumstances of the identified region. Therefore applicants must demonstrate that proposed solutions meet one of two criteria. Either a) the applicant proposes to take an existing promising solution, model, or approach to scale in the region and/or b) the applicant is implementing a solution, model, or approach that has been demonstrated to have positive impact on the identified workforce development challenges in another location. To the greatest extent possible, applicants are also encouraged to use existing tools and curricula as part of their proposed grant activities.

Training Workers for Employment in Long-Term Care

All grants funded under this solicitation must include the direct provision of training to individual participants. Applicants are not limited in the strategies and approaches they may employ to implement training activities; however, the training must: (a) Target skills and competencies demanded by the long-term care sector; (b) support participants' long-term career growth along a defined career pathway such as an articulated career ladder or lattice; and (c) result in an industry-recognized certificate, degree, or license that indicates a level of mastery and competence in a given field or function. The credential awarded to participants should be based on the type of training provided through the grant and the requirements of the targeted occupation, and should be selected based on consultations with industry partners. For example:

1. Customized and short-term training should result in a performance-based certification or certificate. This certification may be developed jointly by employers and the project partners, based on defined knowledge and skill requirements for specific high-growth occupations.

2. Training in fields with established professional standards and examinations should result in certification.

3. In states where licensure is required for the specific occupation targeted by the training, the credentialing requirement should be set accordingly.

4. In some instances, training provided under the HGJTI grant may lead to a degree. In these instances, the credential will be the degree itself or the successful completion of coursework required for the degree.

*4. Matching Funds and Leveraged Resources*

Aligning resources and leveraging funding are key components of success under the High Growth Job Training Initiative. Therefore, applicants must provide cash or in-kind resources equivalent to at least 25 percent of the grant award amount as matching funds. Please note that neither prior investments nor Federal resources may be counted as match.

To be allowable as part of match, a cost must be an allowable charge for Federal grant funds. Determinations of allowable costs will be made in accordance with the applicable Federal cost principles as indicated in Part IV.4. If the cost would not be allowable as a grant-funded charge, then it also cannot be counted toward matching funds. Matching funds must be expended during the grant period of performance.

Please note that applicants are expected to fulfill the match amount specified on their SF–424 application and SF–424a budget form. Upon completion of the grant, if the match amount specified by the applicant is not met or if a portion of the matching funds are found to be an unallowable cost, the amount of DOL grant funds may be decreased on a dollar for dollar basis. This may result in the repayment of funds to DOL.

Applicants are encouraged to leverage additional funds outside of the match to supplement the project as a whole. Matching funds and leveraged resources could come from a variety of sources including: public sector (e.g., state or local governments); non-profit sector (e.g., community organizations, faith-based organizations, or education and training institutions); private sector (e.g., businesses or industry associations); investor community (e.g., angel networks or economic development entities); and the philanthropic community (e.g., foundations).

Applicants should clearly make the distinction of what will be considered matching funds versus leveraged funds. Only the matching funds shall be shown on the SF–424 and SF–424a. The amount of funds specified on these forms will be considered by DOL as the applicant's match. All other leverage resources should be explained in the budget narrative separate from the explanation of match.

*5. Participants Eligible to Receive HGJTI Training*

Generally, the scope of potential trainees is very broad. Training may be targeted to a wide variety of populations, including unemployed individuals and incumbent workers. The identification of targeted and qualified trainees should be part of the larger project planning process by the required partnership and should relate to the workforce issues addressed by the training.

*6. Veterans Priority*

This program is subject to the provisions of the ''Jobs for Veterans Act,'' Public Law 107–288, which provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the Department of Labor. Please note that to obtain priority of service, a veteran must meet the grantee's program eligibility requirements. ETA Training and Employment Guidance Letter (TEGL) No. 5–03 (September 16, 2003), available at *http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=1512,* provides general guidance on the scope of the veterans priority statute and its effect on current employment and training programs.

*7. Other Eligibility Requirements*

*Distribution Rights.* Selected applicants must agree to give ETA the right to use and distribute all materials developed with grant funds such as training models, curriculum, technical assistance products, etc. Materials developed with grant resources are in the public domain; therefore, ETA has the right to use, reuse, modify, and distribute all grant-funded materials and products to any interested party, including broad distribution to the public workforce investment system via the Internet or other means.

*Legal rules pertaining to inherently religious activities by organizations that receive Federal financial assistance.* The government is generally prohibited from providing direct Federal financial assistance for inherently religious activities. See 29 CFR part 2, subpart D.

Grants under this solicitation may not be used for religious instruction, worship, prayer, proselytizing, or other inherently religious activities. Neutral, non-religious criteria that neither favor nor disfavor religion will be employed in the selection of grant recipients and must be employed by grantees in the selection of sub-recipients.

**Part IV. Application and Submission Information**

*1. Address to Request Application Package*

This announcement includes all information and links to forms needed to apply for this funding opportunity.

*2. Content and Form of Application Submission*

The proposal must consist of two (2) separate and distinct parts, Parts I and II. Applications that fail to adhere to the instructions in this section will be considered non-responsive and may not be given further consideration.

Part I of the proposal is the Cost Proposal and must include the following three items:

- The Standard Form (SF) 424, ''Application for Federal Assistance'' (available at *http://www.grants.gov/techlib/424_20090131.doc*). The SF 424 must clearly identify the applicant and be signed by an individual with authority to enter into a grant agreement. Upon confirmation of an award, the individual signing the SF 424 on behalf of the applicant shall be considered the authorized representative of the applicant.
- All applicants for federal grant and funding opportunities are required to have a Dun and Bradstreet (DUNS) number. See Office of Management and Budget (OMB) Notice of Final Policy Issuance, 68 FR 38402 (June 27, 2003). Applicants must supply their DUNS number on the SF 424. The DUNS number is a nine-digit identification number that uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access this Web site: *www.dunandbradstreet.com* or call 1–866–705–5711.
- The SF 424A Budget Information Form (available at *http://www.doleta.gov/sga/forms.cfm*). In preparing the Budget Information Form, the applicant must provide a concise narrative explanation to support the request. The budget narrative should break down the budget, match and leveraged resources by the project activities specified in the technical proposal and should discuss precisely how the administrative costs support the project goals.

Please note that applicants that fail to provide a SF 424, SF 424A and/or a budget narrative will be removed from consideration prior to the technical review process. Only an applicant's match amount (not other leveraged resources) should be listed on the SF 424 (Block 18) and SF 424A Budget Information Form (Section A & C). The amount of federal funding requested for the *entire period of performance* should be shown together on the SF 424 and SF 424A Budget Information Form. Applicants are also encouraged, but not required, to submit OMB Survey N. 1890–0014: Survey on Ensuring Equal Opportunity for Applicants, which can be found at *http://www.doleta.gov/sga/forms.cfm.*

Part II of the application is the technical proposal which demonstrates the applicant's capabilities to plan and implement a demonstration project under the High Growth Job Training Initiative in accordance with the selection criteria. The Technical Proposal is limited to twenty (20) double-spaced, single-sided, 8.5-inch-by-11-inch pages with 12-point font and 1-inch margins. Any pages over the 20 page limit will not be reviewed. In addition, the applicant may provide resumes, a staffing pattern, statistical information, and related materials in attachments which may not exceed 10 pages. Letters of commitment from partners may be submitted as attachments and will not count against the allowable maximum page totals. The applicant must reference any participating entities and articulate their role in grant activities clearly in the text of the Technical Proposal.

Except for the discussion of match and leveraged resources in response to the evaluation criteria, no cost data or reference to prices should be included in the technical proposal. The following information is required as part of the technical proposal:

- A table of contents listing the application sections.
- A 2–3 page abstract summarizing the proposed project and applicant profile information including: (1) Applicant name; (2) project title; (3) identification of region; (4) overview of strategies; (5) regional partnership members; and (6) requested funding level.
- A 1–2 page timeline.
- An implementation plan outlining project activities.

Please note that the table of contents, the abstract, and the timeline are not included in the 20-page limit. The implementation plan will be included in the 20-page limit. Applications that do not meet these requirements will not be considered. Please note that applicants should not send letters of commitment or support separately to ETA because letters are tracked through a different system and will not be attached to the application for review.

Applications may be submitted electronically on www.grants.gov or in hard-copy via U.S. mail, professional delivery service, or hand delivery. These processes are described in further detail in Section IV(3). Applicants submitting proposals in hard-copy must submit an original signed application (including the SF 424) and one (1) ''copy-ready'' version free of bindings, staples or protruding tabs to ease in the reproduction of the proposal by DOL. Applicants submitting proposals in hard-copy are also requested, though not required, to provide an electronic copy of the proposal on CD–ROM.

*3. Submission Dates and Times*

The closing date for receipt of applications under this announcement is April 5, 2007. Applications must be received at the address below, or electronically received at the website below, no later than 4 p.m. (Eastern Time), except as identified in the ''Late Applications'' paragraph below. Applications sent by e-mail, telegram, or facsimile (fax) will not be honored. No exceptions to the mailing and delivery requirements set forth in this notice will be granted.

Mailed applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: Eric Luetkenhaus, Reference SGA/DFA PY 06–07, 200 Constitution Avenue, NW., Room N–4716, Washington, DC 20210. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures. Hand-delivered proposals will be received at the above address.

Applicants may apply online at *http://www.grants.gov* by the deadline specified above. Any application received after the deadline will not be accepted. For applicants submitting electronic applications via Grants.gov, please note that it may take several days to complete the ''Get Started'' step to register with Grants.gov. It is strongly recommended that these applicants immediately initiate this step in order to avoid unexpected delays that could result in the disqualification of their application. If submitted electronically through *http://www.grants.gov,* applicants should save application documents as a .doc or .pdf file.

A Webinar for prospective applicants will be held for this grant competition

on March 5, 2007. Access information for the Webinar will be posted on ETA's Web site at *http://www.doleta.gov/BRG/Indprof/Health.cfm.* Following the Webinar, this link will also include instructions for accessing an archived version. Please note that frequently asked questions may be made available and will be found on ETA's Web site at *http://ww.doleta.gov/BRG/Indprof/Health.cfm.* Applicants are encouraged to check the ETA Web site frequently, as the frequently asked questions document may be updated from time to time up until the close of the SGA.

*Late Applications:* Any application received after the exact date and time specified for receipt at the office designated in this notice will not be considered, unless it is received before awards are made, was properly addressed, and: (a) Was sent by U.S. Postal Service registered or certified mail not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application required to be received by the 20th of the month must be post marked by the 15th of that month) or (b) was sent by professional overnight delivery service or submitted on Grants.gov to the addressee not later than one working day prior to the date specified for receipt of applications. It is highly recommended that online submissions be completed one working day prior to the date specified for receipt of applications to ensure that the applicant still has the option to submit by overnight delivery service in the event of any electronic submission problems. ''Post marked'' means a printed, stamped or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service. Therefore, applicants should request the postal clerk to place a legible hand cancellation ''bull's eye'' postmark on both the receipt and the package. Failure to adhere to the above instructions will be a basis for a determination of non-responsiveness. Evidence of timely submission by a professional overnight delivery service must be demonstrated by equally reliable evidence created by the delivery service provider indicating the time and place of receipt.

*4. Intergovernmental Review*

This funding opportunity is not subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs''.

*5. Funding Restrictions*

Determinations of allowable costs will be made in accordance with the applicable Federal cost principles as indicated in Part VI.2. Disallowed costs are those charges to a grant that the grantor agency or its representative determines not to be allowed in accordance with the applicable Federal Cost Principles or other conditions contained in the grant. As discussed above, only costs that would be allowable with grant funds may be counted as part of the recipients' share of project costs.

*Use of Stipends.* The provision of stipends to training enrollees for the purposes of wage replacement or supportive services, such as transportation costs, for unemployed or employed workers, is not an allowable cost under this Solicitation for Grant Applications.

*Indirect Costs.* As specified in OMB Circular Cost Principles, indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular cost objective. In order to utilize grant funds for indirect costs incurred, the applicant must obtain an Indirect Cost Rate Agreement with its Federal cognizant agency either before or shortly after the grant award.

*Administrative Costs.* Under the President's High Growth Job Training Initiative, an entity that receives a grant to carry out a project or program may not use more than 10 percent of the amount of the grant to pay administrative costs associated with the program or project. Administrative costs could be both direct and indirect costs, and are defined at 20 CFR 667.220. Administrative costs do not need to be identified separately from program costs on the SF 424A Budget Information Form. They should be discussed in the budget narrative and tracked through the grantee's accounting system. Although there will be administrative costs associated with the managing of the partnership as it relates to specific grant activity, the primary use of funding should be to support the actual capacity building and training activity(ies). To claim any administrative costs that are also indirect costs, the applicant must obtain an indirect cost rate agreement as described above.

*6. Other Submission Requirements*

*Withdrawal of Applications.* Applications may be withdrawn by written notice or telegram (including Mailgram) received at any time before an award is made. Applications may be withdrawn in person by the applicant or by an authorized representative thereof, if the representative signs a receipt for the proposal.

**Part V. Application Review Information**

*1. Rating Criteria*

This section identifies and describes the criteria that will be used to evaluate the proposals under this SGA: (A) Statement of Need (15 points); (B) Strength of Partnership (20 points); (C) Strategies for Long-Term Care Workforce Development (30 points); (D) Outcomes (15 points); (E) Leveraged Resources (10 points); and (F) Program Management and Organization Capacity (10 points).

A. Statement of Need (15 points)

Applicants must identify the region in which grant activities will take place and demonstrate a clear and specific need for the federal investment in the proposed activities. Scoring for this factor will be based on the following.

*Identification of the region (5 points).* Applicants must define the region of focus in the proposal, demonstrate the appropriateness of the geographic boundaries of the region as it relates to the long-term care sector. This discussion should include, but is not limited to, how the following factors contribute to the formation of the region:

- Economic interdependence (relating how the long-term care industry contributes to and is impacted by the regional economy)
- Assets (e.g., human capital, educational capacity, financial capital, research and development institutions, infrastructure, etc.)
- Networks (e.g., how strategic partners are collaborating to develop talent in the context of the regional economy)

*Demonstration of need (10 points).* Through narrative discussion and data displays, the applicant must provide an overview of the labor market and economic landscape of the region, the role of the long-term care sector in the economy, and the state of workforce preparation and education related to the sector. Applicants may draw from a variety of resources for supporting data, including: traditional labor market information, including projections; industry data; trade association or direct information for the local industry; and information on the regional economy and other transactional data, such as job vacancies, that are available. Discussion should include, but is not limited to, the following:

- Demonstrated knowledge of the long-term care sector in the region,

including the impact of the industry on the regional economy.

• Demonstrated existence of identified workforce challenges in the region, and if capacity building activities are proposed, demonstrated existence of a capacity constraint in addressing those challenges, in the area in which the grant activity will take place.

• Discussion of how the industry workforce challenges affect the specific employer partners contained in the proposal.

• Description of the resource analysis and mapping that has been conducted to date that demonstrates that local resources are not sufficient to address the workforce challenges.

B. Strength of Partnership (20 points)

The applicant must demonstrate that the proposed grant activities were developed and will be implemented by a strategic partnership comprised of a strong team of regional leaders. The partnership must be representative of the entire region as defined by the applicant and have the authority to drive the proposed investment strategy. One or more long-term care employers, representatives of the workforce system (i.e., state and/or local workforce investment boards and One-Stop Career Centers), and education and training providers are required partners. Applicants should also demonstrate that they have included a broader consortium of partners where appropriate, including organizations representing entities such as the long-term care industry, the long-term care workforce, or consumers; state Medicare/Medicaid offices and other state agencies addressing long-term care delivery, payment, or workforce issues; technical assistance providers such as Area Health Education Centers and Quality Improvement Organizations; and others. Scoring on this criterion will be based on the following factors:

*Completeness of the Partnership (15 points).* The applicant must identify the partners and explain the meaningful role each partner will play in the project. Points for this factor will be awarded based on:

• A comprehensive list of the strategic partners that will be included in the project and the articulation of each partner's role in the project within an overall project governance structure. Please note that, in order to receive full points, applicants must demonstrate that each required partner will play a well-developed and committed role in the project. (5 points).

• Demonstration that the partnership includes all the key regional assets and institutions necessary to address the identified workforce challenges. If all key regional assets and institutions are not currently engaged in the partnership, then the applicant must clearly identify how appropriate organizations or individuals will be brought into the partnership quickly. (4 points).

• Demonstration that integration or a high level of coordination already exists between partners. If a high level of integration or coordination does not exist, then the applicant must demonstrate that it has the capacity to quickly establish these links and discuss strategies for strengthening the partnership. (2 points).

• Identification of how the partnership will ensure the integration of education, workforce development, industry and other partner assets. (2 points).

• Indication that the partnership has addressed sustainability beyond the High Growth Job Training Initiative investment. (2 points).

*Partnership Management (5 points).* Points for this factor will be awarded based on evidence that the administrative entity has the capacity to lead the regional partnership in implementing the initiative. Discussion should include, but is not limited to, the administrative entity's leadership and staff capacity and experience implementing initiatives of this caliber.

C. Strategies for Long-Term Care Workforce Development (30 points)

The applicant must describe the proposed workforce development solution strategy in full, including all solution elements and implementation strategies, how the solutions address the workforce challenges described in the statement of need, and how the proposed solution draws on existing best practices, models, and tools. Points for this criterion will be awarded for the following factors:

*Solution Description (20 points).* Applicants may earn up to 20 points based on evidence that the applicant has developed an effective solutions-based approach and a plan of implementation that will address the following objectives:

• The proposed project activities will effectively address one or more workforce challenges identified by the long-term care sector as discussed in Sections I.5 of this SGA and the proposed activities were developed in the context of a solutions-based approach. (5 points).

• The solution models and workforce development approaches that guide the proposed activities have been clearly explained, and their source identified. The applicant explains how the partnership has drawn upon existing tools and approaches in building its solution. (4 points).

• The proposed strategy is cohesive in nature and includes training activities that target skills and competencies demanded by the long-term care industry and support participants' long-term career growth along a defined career pathway such as an articulated career ladder and lattice. The proposed training activities should also lead to an appropriate credential. If the credential targeted by the training project is a certificate- or performance-based certification, applicants should either (a) demonstrate employer engagement in the curriculum development process, or (b) indicate that the certification will translate into concrete job opportunities with an employer. (5 points).

• Strategies are present to increase synergy between the workforce system, education community, and the long-term care sector. If appropriate, the applicant discusses the nature of larger strategic economic development, long-term care sector, or workforce investment projects with which the proposed project is aligned. (4 points).

• The proposed activities lay the foundation for long-term workforce planning and development for the long-term care sector in the region, and the applicant describes a reasonable strategy for sustaining the partnership-driven solutions-based approach for the long-term care sector beyond the federal investment. (2 points).

*Implementation Strategy (10 points).* Applicants can earn up to 10 points based on evidence that the applicant has a clear understanding of the tasks required to successfully meet the objectives of the grant. Factors considered in evaluating this evidence include: (1) The existence of an implementation plan that is responsive to the applicant's statement of need and includes specific goals, objectives, activities, implementation strategies, and a timeline; (2) the feasibility and reasonableness of the timeline for accomplishing all necessary implementation activities, including start-up, capacity building (if applicable) and training activities, participant follow-up for performance outcomes, and grant close-out activities; (3) whether budget line items are consistent with and tied to the work plan objectives; and (4) the extent to which the budget is justified with respect to the adequacy and reasonableness of resources requested.

D. Outcomes (15 points)

Applicants should demonstrate a results-oriented approach to managing and operating the proposed project by fully describing the proposed outcome measures relevant to measuring the success or impact of the project. Scoring on this criterion will be based on the following factors:

*Description of Outcomes (10 points).* Applicants may earn up to 10 points for indicating that appropriate measurable outcomes have been established as detailed below. The description of outcomes must include: (1) Baseline numbers for tracking progress; (2) specific outcome goals expressed numerically where appropriate; and (3) the methods proposed to collect and validate outcome data in a timely and accurate manner, and the frequency with which outcome data will be assessed.

- *Training.* Applicants must identify the number of individuals to be trained under the grant and track training outcome measures that are consistent with ETA's Common Measures, such as employment placement numbers and/or average earnings and retention. Other outcome measures that should be tracked include the number of individuals awarded credentials or degrees, and any other outcome measures specific to the proposed training project. Applications must also identify the type of credential that participants will earn as a result of the proposed training, and the employer-, industry-, vendor-, or state-defined standards associated with the credential.
- *Other grant activities.* Applicants that have other related non-training activities in their projects must clearly describe the tangible results of those activities and indicate the number of participants or entities who will benefit in either the short and/or long term, from the proposed activities. If specific products or models result from these activities or are acquired with Federal funds through the grant, these must be clearly described. Applicants must describe the data measures that will be used to measure how the proposed activities impact the ability of entities to train workers for skills in demand by the long-term care sector or address other identified industry challenges.

*Appropriateness of Outcomes (5 points).* Applicants may earn up to 5 points based on three factors: (1) The extent to which the expected project outcomes are clearly identified and measurable, realistic, and consistent with the objectives of the project; (2) the ability of the applicant to achieve the stated outcomes within the timeframe of the grant, based on the identified implementation strategies; (3) the appropriateness of the outcomes with respect to both the extent of the workforce challenge described in the statement of need and the requested level of funding.

E. Match and Leveraged Resources (10 points)

Applicants should clearly describe the required matching funds and any additional funds or resources leveraged in support of the proposed strategies and demonstrate how these funds will be used to contribute to the goals of the project. Important elements of the explanation include:

- Which partners and/or grant subrecipient have contributed match and leveraged resources and the extent of each contribution, including an itemized description of each contribution.
- The quality of the match and leveraged resources, including the extent to which each contribution will be used to further the goals of the project.
- Evidence, such as letters of commitment, that key partners have expressed a clear commitment to provide the contribution.

Assessment of this criterion will be based on the extent to which the application fully describes the amount, commitment, nature, and quality of match and leveraged resources. A match in the sum of at least 25 percent of the Federal funding request must be provided. Matching funds may be either cash or in-kind. Both matching funds and additional leveraged resources will be scored based on the degree to which the source and use of those resources are clearly explained and the extent to which all resources are fully integrated into the project to support grant outcomes.

F. Program Management and Organizational Capacity (10 points)

To satisfy this criterion, applicants must describe their proposed project management structure including, where appropriate, the identification of a proposed project manager, discussion of the proposed staffing pattern, and the qualifications and experience of key staff members. The applicant should also show evidence of the use of data systems to track outcomes in a timely and accurate manner. The applicant should include a description of organizational capacity and the organization's track record in projects similar to that described in the proposal and/or related activities of the primary partners.

Scoring under this criterion will be based on the extent to which applicants provide evidence of the following:

- The time commitment of the proposed staff is sufficient to ensure proper direction, management, and timely completion of the project.
- The roles and contribution of staff, consultants, and collaborative organizations are clearly defined and linked to specific objects and tasks.
- The background, experience, and other qualifications of the staff are sufficient to carry out their designated roles.
- The applicant organization has significant capacity to accomplish the goals and outcomes of the project, including the ability to collect and manage data in a way that allows consistent, accurate, and expedient reporting.

*2. Review and Selection Process*

Applications will be accepted after the publication of this announcement until the closing date. A technical review panel will make a careful evaluation of applications against the criteria set forth in Section V of this Solicitation. These criteria are based on the policy goals, priorities, and emphases set forth in this SGA. Up to 100 points may be awarded to an application, based on the required information described in Section V of this Solicitation. The ranked scores will serve as the primary basis for selection of applications for funding, in conjunction with other factors such as urban, rural, and geographic balance; balance across long-term care occupations served, as stated in Part I (5) of this SGA; the availability of funds; and which proposals are most advantageous to the Government. The panel results are advisory in nature and not binding on the Grant Officer, who may consider any information that comes to his attention. DOL may elect to award the grant(s) with or without prior discussions with the applicants. Should a grant be awarded without discussions, the award will be based on the applicant's signature on the SF 424, which constitutes a binding offer.

**Part VI. Award Administrative Information**

*1. Award Notices*

All award notifications will be posted on the ETA homepage at *http://www.doleta.gov.*

*2. Administrative and National Policy Requirements—Administrative Program Requirements*

All grantees will be subject to all applicable Federal laws (including provisions in appropriations law), regulations, and the applicable Office of Management and Budget (OMB) Circulars. The applicants selected under the SGA will be subject to the following administrative standards and provisions, if applicable:

- Workforce Investment Act—20 Code of Federal Regulations (CFR) Part 667.200 (General Fiscal and Administrative Rules).
- Non-Profit Organizations—Office of Management and Budget (OMB Circulars A–122 (Cost Principles) and 29 CFR Part 95 (Administrative Requirements).
- Educational Institutions—OMB Circulars A–21 (Cost Principles) and 29 CFR Part 95 (Administrative Requirements).
- State and Local Governments—OMB circulars A–87 (Cost Principles) and 29 CFR Part 97 (Administrative Requirements).
- All entities must comply with 29 CFR Parts 93 and 98, and where applicable, 29 CFR Parts 96 and 99.
- In accordance with Section 18 of the Lobbying Disclosure Act of 1995, Public Law 104–65 (2 U.S.C. 1611) non-profit entities incorporated under Internal Revenue Code Section 501(c)(4) that engage in lobbying activities will not be eligible for the receipt of Federal funds and grants.
- 29 CFR part 2, subpart D—Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.
- 29 CFR part 30—Equal Employment Opportunity in Apprenticeship and Training.
- 29 CFR part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.
- 29 CFR part 32—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- 29 CFR part 33—Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Labor.
- 29 CFR part 35—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.
- 29 CFR part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.
- 29 CFR part 37—Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (WIA).

**Note:** Except as specifically provided in this notice, ETA's acceptance of a proposal and award of Federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB Circulars require that an entity's procurement procedures must ensure that all procurement transactions are conducted, as much as practical, to provide open and free competition. If a proposal identifies a specific entity to provide services, the ETA's award does not provide the justifications or basis to sole-source the procurement, i.e., avoid competition, unless the activity is regarded as the primary work of an official partner to the application.

Evaluation Requirements

DOL may require that the program or project participate in an evaluation of overall HGJTI grant performance. To measure the impact of grants funded under the HGJTI, ETA may arrange for or conduct an independent evaluation of the outcomes and benefits of the projects. Grantees must agree to make records on participants, employers, and funding available and to provide access to program operating personnel and to participants, as specified by the evaluator(s) under the direction of ETA, including after the expiration date of the grant.

Reporting Requirements

As a condition of participation in the High Growth Job Training Initiative, successful applicants will be required to submit performance information as well as Quarterly Financial Reports, Progress Reports and Final Reports.

*Performance Requirements.* High Growth Job Training Initiative grantees are required to report outcomes for the Common Performance Measures, which measure entry into employment, retention in employment, and earnings. Additional information on ETA's Common Measures policy can be found in Training Employment Guidance Letter No. 17–05, *Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues.*

*Quarterly Financial Reports.* A Quarterly Financial Status Report (SF 269) is required until such time as all funds have been expended or the grant period has expired. Quarterly financial reports are due 30 days after the end of each calendar year quarter. Grantees must use ETA's Online Electronic Reporting System.

*Progress Reports.* The grantee must submit a quarterly progress report to the designated Federal Project Officer within 30 days after the end of each calendar year quarter. Two copies are to be submitted providing a detailed account of activities undertaken during that quarter. The Department may require additional data elements to be collected and reported on either a regular basis or special request basis. Grantees must agree to meet the Department's reporting requirements.

The quarterly progress report must be in narrative form and must include:

1. In-depth information on accomplishments including project success stories, upcoming grant activities, and promising approaches and processes.
2. Progress toward performance outcomes, including updates on product, curricula, and training development.
3. Status of project as it relates to the approved implementation plan.
4. Challenges, barriers, or concerns regarding project progress.
5. Lessons learned in the areas of project administration and management, project implementation, partnership relationships, and other related areas.

*Final Report.* A draft final report must be submitted no later than 60 days prior to the expiration date of the grant. This report must summarize project activities, employment outcomes, and related results of the project, and should thoroughly document the project solution approach. After responding to ETA's questions and comments on the draft report, three copies of the final report must be submitted no later than the grant expiration date. Grantees must agree to use a designated format specified by the Department to prepare the final report.

## Part VII. Agency Contacts

Any technical questions regarding this SGA should be faxed to Jeannette Flowers, Fax number (202) 693–2705 (not a toll-free number). You must specifically address your fax to the attention of Jeannette Flowers and should include the following: SGA/DFA PY 06–07, a contact name, fax, and telephone number.

**FOR FURTHER INFORMATION CONTACT:** Jeannette Flowers, at (202) 693–3322 (not a toll-free number). This announcement is also being made available on *http://www.grants.gov.*

## Part VIII. Other Information

OMB Information Collection No. 1205–0458.

Expires September 30, 2009.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, the OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503. Please do not return your completed application to the OMB. Send it to the address provided by the sponsoring agency.

This information is being collected for the purpose of awarding a grant. The information collected through this ''Solicitation for Grant Applications'' will be used by the Department of Labor to ensure that grants are awarded to the applicant best suited to perform the functions of the grant. Submission of this information is required in order for the applicant to be considered for award of this grant. Unless otherwise specifically noted in this announcement, information submitted in the respondent's application is not considered to be confidential.

Signed at Washington, DC, this 12th day of February, 2007.

**Eric D. Luetkenhaus,**

*Grant Officer, Employment and Training Administration.*

## Attachments

## Appendix A: Resources for Workforce Solutions and Development Tools for Long-Term Care

## Appendix A: Resources for Workforce Solutions and Development Tools for the Long-Term Care Sector

### Workforce3One

Workforce3One.org is an integrated Web space designed to support the demand-driven workforce investment system. Workforce3One offers performance support tools, products, and resources that help to 1) build awareness of the ''demand-driven workforce system'' philosophy; 2) share valuable information about emerging high growth/high-demand and economically vital industries; and 3) share best practices, strategies, solutions, and tools for addressing industry-identified workforce challenges. Resources specific to the long-term care industry are available here: *http://www.workforce3one.org/content/members/marchive/131/.*

### Competency Model Clearinghouse

The Competency Model Clearinghouse was created by the Employment and Training Administration to support the development of competency-based training that meets industry need. The Clearinghouse hosts a searchable database of competency models, training strategies, and curricula, including apprenticeship models, for the long-term care sector. The Clearinghouse can be accessed at *http://www.careeronestop.org/CompetencyModel/.*

### Better Jobs for Better Care

Better Jobs Better Care is a 4-year $15.5 million research and demonstration program, funded by the Robert Wood Johnson Foundation and The Atlantic Philanthropies. As part of the program, participants seek to achieve changes in long-term care policy and practice that help to reduce high vacancy and turnover rates among direct care staff across the spectrum of long-term care settings and contribute to improved workforce quality. Access to program models, solutions, and tools funded under the initiative are available through their Web site, *http://www.bjbc.com.*

### The National Clearinghouse on the Direct Care Workforce

The National Clearinghouse on the Direct Care Workforce is a national on-line library for people in search of solutions to the direct-care staffing crisis in long-term care. A project of the Paraprofessional Healthcare Institute (PHI), the Clearinghouse includes government and research reports, news, issue briefs, fact sheets, and other information on topics such as recruitment, career advancement supervision, workplace culture, and caregiving practices. The Clearinghouse also houses training manuals and how-to guides, a list of direct-care worker associations and listings to other associations, resources, and events. The Clearinghouse can be accessed at *www.directcareclearinghouse.org.*

### Direct Service Worker Resource Center

The National Direct Service Workforce (DSW) Resource Center, funded by the Centers for Medicare and Medicaid Services (CMS) under the U.S. Department for Health and Human Services, supports efforts support the successful implementation of efforts to improve recruitment and retention of direct support professionals who assist people with disabilities and older adults to live independently and with dignity in the community. This includes direct support professionals, personal care attendants, personal assistance providers, home care aides, home health aides and others. The Resource Center houses a resource database for information, policy research, technical expertise, training tools, and more covering a variety of topics such recruitment, retention, training, supervision, and consumer direction. The Resource Center can be accessed at *http://www.dswresourcecenter.org/.*

[FR Doc. E7–2741 Filed 2–15–07; 8:45 am]

BILLING CODE 4510–FN–P

# THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## Meetings of Humanities Panel

**AGENCY:** The National Endowment for the Humanities.

**ACTION:** Notice of Meetings.

**SUMMARY:** Pursuant to the provisions of the Federal AdvisoryCommittee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Heather Gottry, Acting Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

**SUPPLEMENTARY INFORMATION:** The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* March 1, 2007.

*Time:* 9 a.m. to 5 p.m.

*Room:* 415.

*Program:* This meeting will review applications for Special Collections, submitted to the Division of Preservation and Access at the October 3, 2006 deadline.

2. *Date:* March 6, 2007.

*Time:* 9 a.m. to 5 p.m.

*Room:* 415.

*Program:* This meeting will review applications for Material Culture, submitted to the Division of

Preservation and Access at the October 3, 2006 deadline.

3. *Date:* March 8, 2007.

*Time:* 9 a.m. to 5 p.m.

*Room:* 415.

*Program:* This meeting will review applications for National Digital Newspaper Program (NDNP), submitted to the Division of Preservation and Access at the October 3, 2006 deadline.

4. *Date:* March 13, 2007.

*Time:* 9 a.m. to 5 p.m.

*Room:* 315.

*Program:* This meeting will review applications for Digital Humanities Workshop, submitted to the Division of Education Programs at the January 17, 2007 deadline.

5. *Date:* March 29, 2007.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 415.

*Program:* This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs at the January 23, 2007 deadline.

**Heather Gottry,**

*Acting Advisory Committee Management Officer.*

[FR Doc. E7–2780 Filed 2–15–07; 8:45 am]

BILLING CODE 7536–01–P

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U. S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 25—Access Authorization for Licensee Personnel.

2. *Current OMB approval number:* OMB No. 3150–0046.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC-regulated facilities and other organizations requiring access to NRC-classified information.

5. *The number of annual respondents:* 78.

6. *The number of hours needed annually to complete the requirement or request:* 417 hours (371 hours for reporting and 46 hours for recordkeeping) or approximately .26 hours per response.

7. *Abstract:* NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided NRC-classified information and material.

Submit, by April 17, 2007, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Margaret A. Janney (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7245, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV.*

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 8th day of February 2007.

**Margaret A. Janney,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. E7–2790 Filed 2–15–07; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

*Information pertaining to the requirement to be submitted:*

1. *The title of the information collection:* 10 CFR Part 11—Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material.

2. *Current OMB approval number:* OMB No. 3150–0062.

3. *How often the collection is required:* On occasion. New applications, certifications, and amendments may be submitted at any time. Applications for renewal are submitted every 5 years.

4. *Who is required or asked to report:* Employees (including applicants for employment), contractors and consultants of NRC licensees and contractors whose activities involve access to or control over special nuclear material at either fixed sites or in transportation activities.

5. *The number of annual respondents:* 5 NRC licensees.

6. *The number of hours needed annually to complete the requirement or request:* 1.25 hours (approximately 0.25 hours annually per response).

7. *Abstract:* NRC regulations in 10 CFR Part 11 establish requirements for access to special nuclear material, and the criteria and procedures for resolving questions concerning the eligibility of individuals to receive special nuclear material access authorization. Personal history information which is submitted on applicants for relevant jobs is provided to the Office of Personnel Management (OPM), which conducts investigations. NRC reviews the results of these investigations and makes determinations of the eligibility of the applicants for access authorization.

Submit, by April 17, 2007, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated

collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Margaret A. Janney (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7245, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV.*

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 8th day of February 2007.

**Margaret A. Janney,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. E7–2791 Filed 2–15–07; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Proposed License Renewal Interim Staff Guidance LR–ISG–2006–02: Staff Guidance on Acceptance Review for Environmental ReportsAssociated With License Renewal Applications; Solicitation of Public Comment

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Solicitation of public comment.

**SUMMARY:** The NRC is soliciting public comment on its Proposed License Renewal Interim Staff Guidance LR–ISG–2006–02 (LR–ISG) on the acceptance review criteria for environmental reports (ER) provided by applicants for reactor license renewal. This LR–ISG summarizes the Title 10 of the Code of Federal Regulations Part 51 (10 CFR Part 51) requirements for ERs submitted with license renewal applications (LRAs), and provides a checklist that will be used by the NRC staff to verify the completeness of these reports prior to docketing. The NRC staff issues LR–ISGs to facilitate timely implementation of the license renewal rule and to review activities associated with an LRA. Upon receiving public comments, the NRC staff will evaluate the comments and make a determination to incorporate the comments, as appropriate. Once the NRC staff completes the LR–ISG, it will issue the LR–ISG for NRC and industry use. The NRC staff will also incorporate the approved LR–ISG into the next revision of the license renewal guidance documents.

**DATES:** Comments may be submitted by April 17, 2007. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Comments may be submitted to: Chief, Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments should be delivered to: 11545 Rockville Pike, Rockville, Maryland, Room T–6D59, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Persons may also provide comments via e-mail at *rgs@nrc.gov.* The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *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 NRC Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by e-mail at *pdr@nrc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer A. Davis, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington,DC 20555–0001; telephone 301–415–3835 or by e-mail at *jxd10@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** Attachment 1 to this **Federal Register** notice, entitled Staff Position and Rationale for the Proposed License Renewal Interim Staff Guidance LR–ISG–2006–02: Staff Guidance on Acceptance Review for Environmental Reports Associated with License Renewal Applications, contains the NRC staff's rationale for publishing the proposed LR–ISG–2006–02. Attachment 2 to this **Federal Register** notice, entitled Proposed License Renewal Interim Staff Guidance LR–ISG–2006–02: Staff Guidance on Acceptance Review for Environmental Reports Associated with License Renewal Applications, identifies the guidance for reviewing ERs received with LRAs.

The NRC staff is issuing this notice to solicit public comments on the proposedLR–ISG–2006–02. After the NRC staff considers any public comments, it will make a determination regarding issuance of the proposed LR–ISG.

Dated at Rockville, Maryland this 8th day of February, 2007.

For the Nuclear Regulatory Commission.

**Pao-Tsin Kuo,**

*Acting Director, Division of License Renewal, Office of Nuclear Reactor Regulation.*

### Attachment 1—Staff Position and Rationale for the Proposed License Renewal Interim Staff Guidance LR–ISG–2006–02: Staff Guidance on Acceptance Review for Environmental Reports Associated With License Renewal Applications

*Staff Position*

The NRC staff intends to use a checklist of acceptance criteria when evaluating environmental reports submitted with license renewal applications. This guidance summarizes the 10 CFR Part 51 requirements for environmental reports submitted with license renewal applications, and provides a checklist that documents the review process used by NRC staff to verify the completeness of these reports.

*Rationale*

The NRC developed a checklist of the requirements in 10 CFR Part 51 to document the NRC staff's acceptance review standards regarding the information that needs to be included in an environmental report. The staff finds that the utilization of the guidance provided in the checklist will facilitate consistency and efficiency in the NRC staff's acceptance reviews of environmental reports submitted with license renewal applications.

### Attachment 2—Proposed License Renewal Interim Staff Guidance lR–ISG–2006–02: Staff Guidance on Acceptance Review for Environmental Reports Associated With License Renewal Applications

*Introduction*

Each applicant for renewal of a license to operate a nuclear power plant is required to submit with its application a separate environmental report (ER) in accordance with Title 10 of the Code of Federal Regulations (10 CFR 54.23). As stated in 10 CFR 54.23, the ER must comply with the requirements of Subpart A of 10 CFR Part 51. The requirements governing the contents of an ER submitted at the operating license renewal stage are specified in 10 CFR 51.45 and 10 CFR 51.53(c). This LR–ISG is being proposed to document the staff's practice in

performing an acceptance review of ERs submitted as part of a license renewal application.

*Background and Discussion*

The NRC staff routinely reviews ERs against the requirements of 10 CFR 51.45 and 10 CFR 51.53(c) as part of the acceptance review of reactor license renewal applications. Staff review guidance governing reactor license renewal environmental reviews and the preparation of environmental impact statements is provided in NUREG–1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants, Supplement 1: Operating License Renewal.

In conducting its acceptance review, the staff also relies on the guidance provided to applicants in Regulatory Guide 4.2, Supplement 1, Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses. The regulatory guide provides methods acceptable to the staff for implementing the provisions of 10 CFR 51.45 and 10 CFR 51.53(c). While conformance with the suggested format of the regulatory guide is not required, use of the guide is expected to ensure the completeness of the information provided, assist the NRC staff and others in locating information, and result in more efficient and timely NRC staff review.

*Proposed Action*

The acceptance review checklist for ERs submitted with license renewal applications, available via ADAMS at Accession No. ML063190452, will be incorporated into the next revision of NUREG–1555, Supplement 1. The acceptance checklist is intended to be a tool to ensure efficiency and consistency in the staff's acceptance reviews and ensure that all necessary components of license renewal stage ERs are submitted in accordance with governing regulations. As noted in the checklist instructions, the absence of any of the information recommended in Regulatory Guide 4.2, Supplement 1, would not require that supplemental information be provided prior to acceptance of an application; however, applicants should expect that the absence of such information may result in more intensive environmental audit activities and/or issuance of early requests for additional information to support the staff's review. The docketing and subsequent finding of a timely and sufficient application (including the ER) does not preclude NRC reviewers from requesting additional information as a review proceeds, nor does it predict the NRC's final determination regarding the approval or denial of a license renewal application. This proposed LR–ISG is not intended to substitute or re-interpret requirements outlined in 10 CFR 51.45 and 10 CFR 51.53(c). The checklist is also expected to serve as a knowledge management tool for NRC staff members by specifying review criteria in a simplified, user-friendly format.

[FR Doc. E7–2785 Filed 2–15–07; 8:45 am]

BILLING CODE 7590–01–P

## POSTAL SERVICE

### New Standards for Domestic Mailing Services

**AGENCY:** Postal Service.

**ACTION:** Notice of availability.

**SUMMARY:** On January 17, 2007, the Postal Service published an updated proposal in the **Federal Register** (72 FR 2089) providing new mailing standards to accompany the R2006–1 price change proposal currently before the Postal Regulatory Commission. We posted a new document on our Web site at *http://www.usps.com/ratecase* to respond to the comments we received on our January proposal and to further revise the proposed mailing standards.

In addition to the new document, you can find our earlier proposals at *http://www.usps.com/ratecase*, along with side-by-side comparisons of today's prices and those that are currently under review by the Postal Regulatory Commission. Our Web site also provides helpful information for mailers, including frequently asked questions, press releases, and Mailers Companion and MailPro articles related to the pricing change. We encourage you to review our proposed mailing standards and use our electronic tools as you prepare for the pricing change.

**DATES:** The document is available beginning February 14, 2007.

**FOR FURTHER INFORMATION CONTACT:** Joel Walker, 202–268–7261.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. E7–2825 Filed 2–15–07; 8:45 am]

BILLING CODE 7710–12–P

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review, Request for Comments

**Summary**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to request a revision to the following collection of information: 3220–0025, RUIA Investigations and Continuing Entitlement, consisting of RRB Form(s) UI–9, Applicant's Statement of Employment and Wages, UI–23, Claimant's Statement of Service, UI–44, Claim for Credit for Military Service, ID–4F, Advising of Ineligibility for RUIA Benefits, ID–4U, Advising of Service/Earnings Requirements for RUIA Benefits, ID–4Y, Advising of Ineligibility for Sickness Benefits, ID–4X, Advising of Service/Earnings Requirements for Sickness Benefits, ID–20–1, Advising that Normal Unemployment Benefits Are About to Be Exhausted, ID–20–2, Advising that Normal Sickness Benefits Are About to Be Exhausted, ID–20–4, Advising That Normal Sickness Benefits Are About to Be Exhausted/Non-Entitlement, ID–5I, Letter to Non-Railroad Employers on Employment and Earnings of a Claimant, ID–5R (SUP), Report of Employees Paid RUIA Benefits for Every Day in Month Reported as Month of Creditable Service, ID–49R, Letter to Railroad Employers for Payroll Information, and UI–48, Claimant's Statement Regarding Benefit Claim for Days of Employment. Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

**Previous Requests for Comments**

The RRB has already published the initial 60-day notice (71 FR 66991 on November 17, 2006) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

**Information Collection Request (ICR)**

*Title:* RUIA Investigations and Continuing Entitlement.

*OMB Control Number:* 3220–0025.

*Form(s) submitted:* UI–9, UI–23, UI–44, ID–4F, ID–4U, ID–4X, ID–4Y, ID–20–1, ID–20–2, ID–20–4, ID–5I, ID–5R(SUP), ID–49R, UI–48.

*Type of request:* Revision of a currently approved collection.

*Affected public:* Individuals or households, Business or other for-profit, Non-profit institutions, State, Local or Tribal Government.

*Abstract:* The information collection has two purposes. When RRB records that railroad service and/or compensation is insufficient to qualify a claimant for unemployment or sickness benefits, the RRB obtains information needed to reconcile the compensation and/or service on record with that claimed by the employee. Other forms in the collection allow the RRB to determine whether unemployment or sickness benefits were properly obtained.

*Changes Proposed:* The RRB proposes a change to Forms ID–4F, ID–4U, ID–4X, ID–4Y, ID–20–1, ID–20–2, ID–20–4 to request information regarding an employee's military service entry and discharge dates. The information will be requested because the inclusion of the employee's military service, may give the employee enough creditable service months for additional benefits. No other changes are proposed.

*The burden estimate for this ICR is unchanged as follows:*

*Estimated annual number of respondents:* 7,905.

*Total annual responses:* 7,905.

*Total annual reporting hours:* 1,622.

*For Further Information:* Copies of the form and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312–751–3363) or *Charles.Mierzwa@rrb.gov.*

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Ronald.Hodapp@RRB.GOV* and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**

*Clearance Officer.*

[FR Doc. E7–2774 Filed 2–15–07; 8:45 am]

**BILLING CODE 7905–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:
Rule 17f–6; SEC File No. 270–392; OMB Control No. 3235–0447.

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 17f–6 (17 CFR 270.17f–6) under the Investment Company Act of 1940(15 U.S.C. 80a) permits registered investment companies (''funds'') to maintain assets (*i.e.*, margin) with futures commission merchants (''FCMs'') in connection with commodity transactions effected on both domestic and foreign exchanges. Before the rule was adopted, funds generally were required to maintain such assets in special accounts with a custodian bank.[1]

The rule requires a written contract that contains certain provisions designed to ensure important safeguards and other benefits relating to the custody of fund assets by FCMs. To protect fund assets, the contract must require that FCMs comply with the segregation or secured amount requirements of the Commodity Exchange Act (''CEA'') and the rules under that statute. The contract also must contain a requirement that FCMs obtain an acknowledgment from any clearing organization that the fund's assets are held on behalf of the FCM's customers according to CEA provisions. Finally, FCMs are required to furnish to the Commission or its staff on request information concerning the fund's assets in order to facilitate Commission inspections.

The Commission estimates that approximately 2,275 funds effect commodities transactions and could deposit margin with FCMs under Rule 17f–6 in connection with those transactions. Commission staff estimates that each fund uses and deposits margin with two different FCMs in connection with its commodity transactions.[2]

The Commission estimates that each of the 2,275 funds spends an average of 1 hour annually complying with the contract requirements of the rule (*i.e.*, executing contracts that contain the requisite provisions with additional FCMs), for a total of 2,275 burden hours. The estimate does not include the time required by an FCM to comply with the rule's contract requirements because, to the extent that complying with the contract provisions could be considered ''collections of information,'' the burden hours for compliance are already included in other PRA submissions or are de minimis.[3] The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. If an FCM furnishes records pertaining to a fund's assets at the request of the Commission or its staff, the records will be kept confidential to the extent permitted by relevant statutory or regulatory provisions. The rule does not require these records be retained for any specific period of time. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria,

[1] Custody of Investment Company Assets With Futures Commission Merchants and Commodity Clearing Organizations, Investment Company Act Release No. 22389 (Dec. 11, 1996) (61 FR 66207 (Dec. 17, 1996)).

[2] This estimate is based on information conversations with representatives of the fund industry.

[3] The rule requires a contract with the FCM to contain three provisions. Two of the provisions require the FCM to comply with existing requirements under the CEA and rules adopted under that Act. Thus, to the extent these provisions could be considered collections of information, the hours required for compliance would be included in the collection of information burden hours submitted by the Commodity Futures Trading Commission for its rules. The third contract provision requires that the FCM produce records or other information requested by the Commission or its staff. Commission staff has requested this type of information from an FCM so infrequently in the past that the annual burden hours are de minimis.

VA 22312; or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 6, 2007.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7–2722 Filed 2–15–07; 8:45 am]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–55265; File No. SR–CBOE–2007–11]**

## Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change as Modified by Amendment No. 1 Thereto Relating to Its Marketing Fee Program

February 9, 2007.

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 January 31, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On February 6, 2007, the CBOE submitted Amendment No. 1 to the proposed rule change. CBOE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by CBOE under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its Marketing Fee Program. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.cboe.com*.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(2).

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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. CBOE 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

CBOE proposes to amend its Marketing Fee Program as it relates to option classes participating in the Penny Pilot Program, which commenced on January 26, 2007. Currently, 13 option classes are scheduled to participate in the Penny Pilot Program: Whole Foods (WFMI), General Electric (GE), Microsoft (MSFT), Ishares Russell 2000 (IWM), Nasdaq-100 Index Tracking Stock℠ (QQQQ), SemiConductor Holders (SMH), Advanced Micro Devices (AMD), Intel (INTC), Caterpiller (CAT), Texas Instruments (TXN), Flextronics International (FLEX), Sun Micro (SUNW), and Agilent Tech, Inc. (A).

With respect to the option classes participating in the Penny Pilot Program in which the marketing fee currently is assessed,[5] the marketing fee will be assessed at the rate of $.25 per contract, instead of $.65 per contract. CBOE proposes to implement this change to the marketing fee beginning on February 1, 2007.

CBOE is not amending its marketing fee program in any other respects.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[6] in general, and Section 6(b)(4) of the Act[7] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members and other persons using its facilities.

[5] The QQQQs and IWM have been selected to participate in the Penny Pilot Program. However, the marketing fee currently does not apply to these classes.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and Rule 19b–4(f)(2)[9] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[10]

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2007–11 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.

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, the Commission considers the period to commence on February 6, 2007, the date on which the Exchange filed Amendment No. 1.

All submissions should refer to File Number SR–CBOE–2007–11. 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 CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–11 and should be submitted on or before March 9, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. 07–722 Filed 2–15–07; 8:45 am]

**BILLING CODE 8010–01–M**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–55266; File No. SR–CBOE–2007–12]**

## Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Extension of a Pilot Program that Increases the Standard Position and Exercise Limits for Certain Options Traded on the Exchange

February 9, 2007.

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 February 6, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by CBOE. The Exchange has filed the proposal as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it 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

CBOE proposes to extend an existing pilot program that increases the standard position and exercise limits for certain options traded on the Exchange (''Pilot Program''). The text of the proposed rule change is available at CBOE, the Commission's Public Reference Room, and *http://www.cboe.com.*

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Pilot Program, as previously approved by the Commission, provides for an increase to the standard position and exercise limits for equity option contracts and for options on QQQQs for a six-month period.[5] Specifically, the Pilot Program increased the applicable position and exercise limits for equity options and options on the QQQQ in accordance with the following levels:

| Current equity option contract limit[6] | Pilot program equity option contract limit |
|---|---|
| 13,500 contracts | 25,000 contracts. |
| 22,500 contracts | 50,000 contracts. |
| 31,500 contracts | 75,000 contracts. |
| 60,000 contracts | 200,000 contracts. |
| 75,000 contracts | 250,000 contracts. |
| **Current QQQQ option contract limit** | **Pilot program QQQQ option contract limit** |
| 300,000 contracts | 900,000 contracts. |

The purpose of the proposed rule change is to extend the Pilot Program for an additional six-month period, through September 1, 2007. The Exchange believes that extending the Pilot Program for six months is warranted due to the positive feedback from members and for the reasons cited in the original rule filing that proposed the

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Pilot Program was approved by the Commission on February23, 2005. *See* Securities Exchange Act Release No. 51244 (February 23, 2005), 70 FR 10010 (March 1, 2005) (SR–CBOE–2003–30) (''Pilot Program Order''). The Pilot Program has been extended three times and is due to expire on March 1, 2007. *See* Securities Exchange Act Release Nos. 52262 (August 15, 2005), 70 FR 48995 (August 22, 2005) (SR–CBOE–2005–61); 53348 (February 22, 2006), 71 FR 10574 (March 1, 2006) (SR–CBOE–2006–11); and 54336 (August 18, 2006), 71 FR 50952 (August 28, 2006) (SR–CBOE–2006–69).

[6] Except when the Pilot Program is in effect.

adoption of the Pilot Program.[7] Also, the Exchange has not encountered any problems or difficulties relating to the Pilot Program since its inception. For these reasons, the Exchange requests that the Commission extend the Pilot Program for the aforementioned additional period.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements provided under Section 6(b)(5)[8] of the Act that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the forgoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[11] However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and in the public interest because it will allow the Pilot Program to continue uninterrupted.[13]

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 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 No. SR–CBOE–2007–12 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 20549–1090.

All submissions should refer to File No. SR–CBOE–2007–12. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the 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 CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CBOE–2007–12 and should be submitted on or before March 9, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7–2765 Filed 2–15–07; 8:45 am]

BILLING CODE 8010–01–P

[7] *See* Pilot Program Order, *supra* note 5.

[8] 15 U.S.C. 78f (b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii)requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. CBOE has satisfied the five-day pre-filing requirement.

[12] *Id.*

[13] For the purposes only of waiving the operative delay, theCommission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–55271; File No. SR–ISE–2007–08]**

## Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change as Modified by Amendment No. 1 Thereto Relating to Payment for Order Flow Fees

February 12, 2007.

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 January 26, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On February 1, 2007, the ISE submitted Amendment No. 1 to the proposed rule change. ISE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by ISE under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(1)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The ISE is proposing to amend its Schedule of Fees to reduce the payment for order flow (''PFOF'') fees for options on issues that trade as part of the Penny Pilot (''Pilot'').[5] The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.iseoptions.com.*

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ISE 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

The Exchange is proposing to amend its Schedule of Fees in conjunction with the introduction of the Pilot by reducing the PFOF fees for options on issues that trade as part of the Pilot. The Pilot is scheduled to begin on January 26, 2007. The following issues will be included in the Pilot: Agilent Technologies (A), Advanced Micro Devices (AMD), Caterpillar (CAT), Flextronics International (FLEX), General Electric (GE), Intel (INTC), iShares Russell 2000 Index fund (IWM), Microsoft (MSFT), Nasdaq-100 Index Tracking Stock (QQQQ), Semiconductor Holders Trust (SMH), Sun Microsystems (SUNW), Texas Instruments (TXN), and Whole Foods Markets (WFMI).

The Exchange currently operates a PFOF program as approved by the Commission.[6] This program is funded through a fee, currently set at $0.65 per contract, paid by Exchange market makers for each customer contract they execute. All funds collected by the Exchange are administered by specified market makers.[7] PFOF fees collected by the Exchange that are not distributed are rebated back to the market makers. The Exchange now proposes to reduce the PFOF fees to $0.25 per contract for transactions in all options on Pilot issues. This fee reduction would also apply to other issues that become a part of the Pilot in the event the Pilot is expanded beyond the current 13 securities. The Exchange believes that quoting and trading in one cent increments pursuant to the Pilot would narrow spreads, resulting in PFOF being less of a competitive factor. Thus, the Exchange believes it is prudent for it to maintain its PFOF fee, but at a lower level in options on Pilot issues.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[8] in general, and Section 6(b)(4) of the Act[9] in particular, because it is an equitable allocation of reasonable dues, fees, and other charges among exchange members and other persons using exchange facilities. In particular, the Exchange believes that lowering PFOF fees in options on Pilot issues would enhance competition.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[10] and Rule 19b–4(f)(2)[11] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[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 File Number SR–ISE–2007–08 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities andExchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2007–08. 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 ISE. All comments received will be posted without change; the Commission does

[5] *See* Securities Exchange Act Release No. 54603 (October 16, 2006), 71 FR 62024 (October 20, 2006) (SR–ISE–2006–62) (Notice of Filing of Proposed Rule Change to Implement a Pilot Program To Quote and To Trade Options in Pennies.

[6] *See* Securities Exchange Act Release No. 43833 (January 10, 2001), 66 FR 7822 (January 25, 2001) (SR–ISE–2000–10).

[7] Initially only Primary Market Makers administered PFOF pools. However, the Exchange recently amended its PFOF program to allow a Competitive Market Maker (''CMM'') to administer the PFOF funds collected by the Exchange with respect to orders in a group of options classes preferenced to that CMM. *See* Securities Exchange Act Release No. 53127 (January 13, 2006), 71 FR 3582 (January 23, 2006) (SR–ISE–2005–57).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78F(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, the Commission considers the period to commence on February 1, 2007, the date on which the Exchange filed Amendment No. 1.

not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2007–08 and should be submitted on or before March 9, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7–2793 Filed 2–15–07; 8:45 am]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–55264; File No. SR-NYSE–2006–45]**

## Self-Regulatory Organizations; New York Stock Exchange LLC.; Order Approving Proposed Rule Change Relating to Amendments to Exchange Rule 638 Concerning Mediation

February 9, 2007.

### I. Introduction

On June 22, 2006, the New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 relating to amendments to Exchange Rule 638 concerning mediation. The proposed rule change was published for comment in the **Federal Register** on December 21, 2006,[3] and the Commission received one comment on the proposal.[4] This order approves the proposed rule change.

### II. Description

The proposal would delete references in NYSE Rule 638 to the mediation pilot program that expired on January 31, 2003. The proposed amendments would also codify or, in some cases, recodify certain existing mediation procedures, including that: (1) The mediator's fees and method of payment are subject to agreement of the parties and the mediator, and all such fees and costs incurred in mediation are the parties' responsibility; (2) an adjournment fee will be assessed if an arbitration hearing is adjourned for purposes of the parties pursuing mediation unless the fee is waived under Exchange Rule 617; (3) a mediator may not represent a party or act as an arbitrator in an arbitration relating to the matter mediated, nor be called to testify regarding the mediation in any proceeding;[5] and (4) the mediation is confidential and no record is kept of the proceeding,[6] and, except as may be required by law, the parties and mediator agree not to disclose the substance of the mediation without the prior written authorization of all parties to the mediation.

In addition, the proposed rule change would clarify that any party may withdraw from mediation at any time prior to the execution of a settlement agreement upon written notification to all other parties, the mediator, and the Director of Arbitration. It also would clarify that parties may select a mediator on their own or request a list of potential mediators from the Exchange, and that, upon request of any party, the Director of Arbitration would send the parties a list of five potential mediators together with the mediators' biographical information described in Rule 608.[7]

Finally, the proposed rule change would provide that the parties will advise the Exchange as to the name of the agreed-upon mediator. In addition, it would clarify that once the parties agree to mediate, the Exchange would facilitate the mediation, if requested, by contacting the mediator selected and by assisting in making necessary arrangements, as well as that parties to mediation may use the Exchange meeting facilities in New York, when available, without charge.

### III. Summary of Comment

The Commission received one comment on the proposal.[8] The commenter objected to the provision of the proposed rule change that would prohibit a mediator from acting as an arbitrator in an arbitration related to the matter mediated.[9] The NYSE responded that because the provision is substantially the same as in the current rule this comment is outside the scope of this rule filing.[10] The Commission finds the NYSE's determination that these comments are beyond the scope of the rule filing to be reasonable because they suggest substantive changes from the current mediation rules that were not intended to be addressed by this rule filing. Thus, the Commission finds the NYSE's determination not to amend the proposed rule change in connection with this comment at this time to be reasonable.

### IV. Discussion and Findings

After careful review, the Commission finds that the proposed rule change is consistent with the Act and, in particular, with Section 6(b)(5) of the Act, which requires, among other things, that the NYSE's rules be designed to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.[11] The Commission believes that the proposed rule change will bring greater clarity to the mediation process by deleting outdated references to the expired mediation pilot program and codifying certain existing mediation procedures.

### V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [12] that the proposed rule change (SR–NYSE–2006–45), be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7–2721 Filed 2–15–07; 8:45 am]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–55258; File No. SR–OCC–2006–01]**

## Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change as Modified by Amendment No. 1 To Revise Option Adjustment Methodology

**February 8, 2007.**

### I. Introduction

On January 12, 2006, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–OCC–2006–01 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On March 9, 2006, the Commission published notice of the proposed rule

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 54917 (Dec. 11, 2006), 71 FR 76714 (Dec. 21, 2006).

[4] *See* letter from Stephen A. Hochman to Nancy Morris, dated January 16, 2007 (''Hochman'').

[5] *See* current NYSE Rule 638(a)(4).

[6] *Id.*

[7] *See* current NYSE Rule 638(a)(2).

[8] Hochman.

[9] *Id.*

[10] *See* letter from Mary Yeager, Assistant Secretary, NYSE, to Katherine A. England, Assistant Director, Division of Market Regulation, dated February 7, 2007.

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

change to solicit comments from interested parties.[2] The Commission received ten comment letters upon publication of the notice.[3] To address the concerns raised by the commenters, OCC amended the proposed rule change on September 25, 2006. On November 21, 2006, the Commission published notice of the amended proposed rule change to solicit comments from interested parties.[4] The Commission received four additional comment letters.[5] For the reasons discussed below, the Commission is approving the proposed rule change.[6]

## II. Description

OCC is amending Article VI (Clearance of Exchange Transactions), Section 11A of its By-Laws to (1) Eliminate the need to round strike prices and/or units of trading in the event of certain stock dividends, stock distributions, and stock splits and (2) provide for the adjustment of outstanding options for special dividends (*i.e.*, cash distributions not declared pursuant to a policy or practice of paying such distributions on a quarterly or other regular basis). The proposed rule change also adds a $12.50 per contract threshold amount for cash dividends and distributions to trigger application of OCC's adjustment rules.

### *A. Changes Relating to Adjustments for Certain Stock Dividends, StockDistributions, and Stock Splits*

Prior to this rule change, OCC's By-Laws specified two alternative methods of adjusting for stock dividends, stock distributions, and stock splits. In cases where one or more whole shares are issued with respect to each outstanding share, the number of outstanding option contracts is correspondingly increased and strike prices are proportionally reduced.[7] In all other cases, the number of shares to be delivered under the option contract is increased and the strike price is reduced proportionately.[8]

Although these two methods have been used for many years, in certain circumstances either method can produce a windfall profit for one side and a corresponding loss for the other side due to rounding of adjusted strike prices. These profits and losses, while small on a per contract basis, can be significant for large positions. Because equity option strike prices are currently stated in eighths, OCC's By-Laws require adjusted strike prices to be rounded to the nearest eighth. For example, if an XYZ $50 option for 100 shares were to be adjusted for a 3-for-2 split, the deliverable would be increased to 150 shares, and the strike price would be adjusted to $33.33 and then be rounded up to $33⅜. Prior to the adjustment, a call holder would have had to pay $5,000 to exercise ($50 × 100 shares). After the adjustment, the caller would have to pay $5,006.25 for the equivalent stock position ($33.375 × 150 shares). Conversely, an exercising put holder would receive $5,006.25 instead of $5,000. The $6.25 difference represents a loss for call holders and put writers and a windfall for put holders and call writers.

A loss/windfall can also occur when the split results in a fractional deliverable (*e.g.*, a 4-for-3 split produces a deliverable of 133.3333 shares). In those cases, OCC's By-Laws required that the deliverable be rounded down to eliminate the fraction, and if appropriate, the strike price be further adjusted to the nearest eighth to compensate for the diminution in the value of the contract resulting from the elimination of the fractional share. However, even if these steps are taken, small rounding inequities often remain.

The windfall profits and correspondent losses resulting from the rounding process have historically been accepted as immaterial. However, due to recent substantial increases in trading volume and position size, they have become a source of concern to exchanges and market participants. In addition, OCC has been informed that some traders may be exploiting announcements of splits and similar events by quickly establishing positions designed to capture rounding windfalls at the expense of other market participants.

The inequity that results from rounding strike prices can be eliminated by using a different adjustment method whereby the deliverable is adjusted but the strike prices or the values used to calculate aggregate exercise prices and premiums are not. As an illustration of the new adjustment methodology, in the XYZ $50 option 3-for-2 split example described above, the resulting adjustment would be a deliverable of 150 shares of XYZ stock while the strike price would remain at $50. In this case, the presplit multiplier of 100, used to extend aggregate strike price and premium amounts, is unchanged. For example, a premium of 1.50 would equal $150 ($1.5 × 100) both before and after the adjustment. An exercising call holder would continue to pay $5,000 ($50 times 100) but would receive 150 shares of XYZ stock instead of 100.[9] This is the method currently used for property distributions such as spin-offs and special dividends large enough to require adjustments under OCC's By-Laws. [10]

The inequity that results from the need to eliminate fractional shares from the deliverable and to compensate by further reducing the strike price to the nearest eighth can be eliminated by adjusting the deliverable to include cash in lieu of the fractional share. As an illustration, consider a 4-for-3 split of the stock underlying an XYZ $80 option with a 100 share deliverable. Employing the new adjustment method, the deliverable would be adjusted to 133.3333 shares, which would be rounded down to 133 shares, and the strike price would remain $80. However, instead of compensating for the elimination of the .3333 share by

[2] Securities Exchange Act Release No. 53400 (March 2, 2006), 71 FR 12226.

[3] Joseph Haggenmiller (March 8, 2006); Erik A. Hartog, Operating Manager, Allagash Trading LLC (March 21, 2006); Jeffrey Woodring (March 22, 2006); Adam Besch-Turner (March 23, 2006); Christopher Nagy, Chairman, Options Committee, Securities Industry Association (March 24, 2006); Mike Ianni (April 5, 2006); Mike Ianni (April 5, 2006); Peter van Dooijeweert, President, Alopex Capital Management, LLC (April 26, 2006); Bob Linville and Deborah Mittelman, Service Bureau Committee Co-Chairs, Financial Information Forum (May 2, 2006); and William H. Navin, Executive Vice President, General Counsel, and Secretary, The Options Clearing Corporation (September 29, 2006).

[4] Securities Exchange Act Release No. 54748 (November 14, 2006), 71 FR 67415.

[5] James Knight, Vice President, Manager, Options Trading Strategies, Raymond James Associates, Gary Franklin, Manager of Option Trading, Managing Director, Senior Options Principal, Morgan Keegan Co., and Dennis Moorman, Manager-Options Department, J.J.B. Hilliard, W.L. Lyons, Inc. (December 12, 2006); William H. Navin, Executive Vice President, General Counsel, and Secretary, The Options Clearing Corporation (December 21, 2006); Erik A. Hartog, Operating Manager, Allagash Trading LLC (January 8, 2007); and William H. Navin, Executive Vice President, General Counsel, and Secretary, The Options Clearing Corporation (January 9, 2007).

[6] OCC filed a companion proposed rule change seeking to revise its stock futures adjustment methodology in a manner consistent with the revised option adjustment methodology. Securities Exchange Act Release No. 54898 (December 8, 2006), 71 FR 75287 (December 14, 2006) (File No. SR–OCC–2006–08).

[7] For example, in the event of a 2-for-1 split, an XYZ $60 option calling for the delivery of 100 shares of XYZ stock would be subdivided into two XYZ $30 options, each calling for the delivery of 100 shares of XYZ stock.

[8] For example, in a 3-for-2 split, an XYZ $60 option calling for the delivery of 100 shares would be adjusted to call for the delivery of 150 shares and the strike price would be reduced to $40.

[9] The same adjustment methodology will apply to reverse stock splits or combination of shares. For example, in a 3-for-4 reverse stock split on a XYZ $50 option calling for the delivery of 100 shares, the resulting adjustment would be a deliverable of 75 shares of XYZ stock while the strike price would remain at $50.

[10] The adjustment methodology used for spin-offs, mergers, and special cash dividends is to adjust the unit of trading while leaving the strike price unchanged.

reducing the strike prices, the strike prices would remain unchanged, and the cash value of the eliminated fractional share (.3333 x the post-split value of a share of XYZ stock as determined by OCC) would be the deliverable along with the 133 shares. The adjusted option would also continue to use 100 as the multiplier to calculate aggregate strike and premium amounts.

The revised adjustment methodology will not be applied to 2-for-1 or 4-for-1 stock distributions or splits (since such distributions or splits normally result in strike prices that do not require rounding to the nearest eighth) unless the split requires rounding of the strike price, which may occur where the strike price was previously adjusted due to an earlier stock distribution or split. In addition, the revised adjustment methodology will not generally be used for stock dividends, stock distributions, or stock splits with respect to any series of options having exercise prices stated in decimals.[11] For those options, the existing adjustment rules will continue to apply. The reason for this is that once the market has converted to decimal strikes, the rounding errors created by rounding to the nearest cent would be immaterial even given the larger positions taken in today's markets and the other factors discussed above. Because conversion to decimal strikes might be phased in rather than applied to all series of equity options simultaneously, the rule has been drafted to cover both methods of expressing exercise prices.

The changes in adjustment methodology will not be implemented until the exchanges have conducted appropriate educational efforts and definitive copies of an appropriate supplement to the options disclosure document, *Characteristics and Risks of Standardized Options,* are available for distribution.[12]

*B. Changes to the Definition of ''Ordinary Dividends and Distributions''*

Currently, Article VI, Section 11A(c) of OCC's By-Laws provides that as a general rule, outstanding options will not be adjusted to compensate for ordinary cash dividends. Interpretation and Policy .01 under Section 11A of Article VI provides that a cash dividend will generally be deemed to be ''ordinary'' if the amount does not exceed 10% of the value of the underlying stock on the declaration date (''10% Rule''). The OCC Securities Committee is authorized to decide on a case-by-case basis whether to adjust for dividends exceeding that amount. As a result, OCC historically has not adjusted for special cash dividends unless the amount of the dividend was greater than 10% of the stock price at the close of trading on the declaration day.

The 10% Rule predated a number of significant developments, including the introduction of Long-term Equity AnticiPation Security (''LEAPS'') options, the sizeable open interest seen today, the large contract volume associated with trading and spreading strategies, and the modern option pricing models that take dividends into account. When open interests and individual positions were smaller, not adjusting for dividends of less than 10% did not have the pronounced impact it does today. Additionally, changes to the tax code which now tax dividends more favorably have provided an incentive for companies to pay more dividends, including special dividends. In light of these considerations, OCC believes it is appropriate to now revise the 10% Rule.

Under OCC's revision, a cash dividend or distribution would be considered ordinary (regardless of size) if the OCC Securities Committee determines that such dividend or distribution was declared pursuant to a policy or practice of paying such dividends or distributions on a quarterly or other regular basis. In addition, as a general rule, a cash dividend or distribution that is less than $12.50 per contract would not trigger the adjustment provisions of Article VI, Section 11A.

1. No Adjustment for Regularly-Scheduled Dividends Needed

Dividends declared by an issuer pursuant to a policy or practice of such issuer are known and can thus be priced into option premiums. By definition, however, special dividends cannot be anticipated in advance and therefore cannot be integrated into option pricing models.[13] If adjustments are not made in response to special dividends, call holders can capture the dividends only by exercising their options. Often in these cases, especially with LEAPS options or FLEX options which can last for 5 to 10 years, early exercise would sacrifice substantial option time value. This economic disadvantage is further magnified if the option position is large, as is often the case today. Conversely, put holders often receive a windfall benefit from the increase in the in-the-money value on the ex date. To the extent that equity options can be priced accurately and consistently without dislocations due to unforeseen special dividends, these economic disadvantages can be avoided. Moreover, because special dividends are one-off events, adjusting for them should not cause the proliferation of outstanding options series and symbols that would result from adjusting for regular dividends as explained below.

2. De Minimis Threshold

Adjusting for dividends can cause a proliferation of outstanding option symbols and series.[14] In the interest of providing some limit on option symbol proliferation, the revised adjustment policy will include a de minimis threshold of $12.50 per contract. Special dividends smaller than this amount will not trigger an adjustment.

OCC believes that a threshold that is a set dollar amount is preferable to one that is a percentage of the stock price (like OCC's 10% Rule) because there are operational problems with applying a percentage threshold. Under the 10% Rule, in order to determine whether the threshold is met, the per share dividend amount is added to the closing price of the underlying security on the dividend declaration date. The date the dividend is announced (by press release or by some other means) is not normally the ''declaration date'' when the dividend is officially declared by an issuer's board of directors. Until the actual declaration date, investors and traders may not know whether or not an announced dividend will trigger an adjustment based on the company's share price. In the interim, it is difficult for traders and investors to price their options because they do not know if an adjustment will be made.

The advantage of a fixed dollar threshold is the avoidance of uncertainty. The per contract value of the dividend can be immediately determined without the need to wait until the declaration date and without the need to do a calculation based on the closing price of the underlying shares.

[11] Although there are currently no decimal strikes for equity options, OCC wants to avoid the need for further amendments to its By-Laws and the options disclosure document in the event that such strikes are introduced in the future.

[12] OCC will notify the Commission and issue an Important Notice when the new adjustment methodology is implemented.

[13] OCC has been told that some traders form judgments as to the likelihood that certain issuers may declare special cash dividends and factor those judgments into their pricing models.

[14] Symbols proliferate when adjustments are made because often the dividend amount must be added to the deliverable yielding a non-standard option. The exchanges then introduce standard options with the same strikes.

3. Consistency Across Relevant Interpretations

Interpretations and Policies .01 and .08 under Article VI, Section 11A apply to cash distributions. Interpretation and Policy .01 (as amended by this rule change) will apply in general to all cash distributions. Interpretation and Policy .08 currently carves out exceptions for fund share cash distributions and does not include a threshold minimum. In the interest of clarity and consistency with Interpretation and Policy .01, Interpretation .08 is being revised to provide for the same $12.50 per contract threshold for fund share cash distributions. Clause (ii) of Interpretation and Policy .08 sets forth an exception to the 10% Rule and will be deleted when the 10% Rule is abolished.

**III. Comment Letters**

The Commission received fourteen comment letters in response to the proposed rule change.[15] Eleven of the comment letters opposed the rule change. OCC submitted three letters responding to the comment letters. Seven of the comment letters opposed elimination of the 10% Rule.[16] Three of the comment letters opposed the adjustment methodology for stock dividends, stock distributions, and stock splits.[17]

*A. Comments Opposing the 10% Rule*

Those commenters opposing elimination of the 10% Rule did so for various reasons. First, they felt that elimination of the 10% Rule for existing contracts would be unfair to the contract traders who have priced adjustments into their pricing models based on their estimated probability that an issuer will pay a special dividend with the assumption that OCC would adjust for special dividends based on the 10% Rule. OCC responded that it did not believe special dividends could be anticipated in advance and therefore could not be integrated into pricing models. However, OCC discussed the matter with market participants and now understands that some traders do estimate the probability of special dividends by selected issuers and do factor those estimates into their pricing models. In response, OCC amended the proposed rule change so that the 10% Rule would be eliminated and replaced with the dollar threshold test beginning with dividends announced on and after February 1, 2009. The few outstanding options series with expirations beyond that date will be grandfathered and will be assigned separate trading symbols.

Second, some commenters expressed their concerns that elimination of the 10% Rule would create uncertainty as to whether OCC would classify particular videnda as ordinary or special and that market liquidity for the affected options would disappear until OCC announced whether a dividend was ordinary or special. OCC responded that a dividend will be classified as ordinary if it is declared pursuant to a policy or practice of paying such dividends on a quarterly or other regular basis. The issue as to whether a particular dividend or distribution fits the criteria to be classified as ordinary or special would be determined by a panel of the OCC Securities Committee, which consists of two representatives of each exchange that lists options on the underlying security and one representative of OCC, who votes only in the event of a tie vote. OCC contends that most special dividends are in such amounts and/or payable on such dates that it will be immediately obvious to the market that they are not being declared pursuant to a policy or a practice of paying such dividends on a quarterly or other regular basis. In addition, issuers normally classify a dividend as special or ordinary when the dividend is announced. While this will not control OCC's determination of whether a dividend is ordinary or special, in the vast majority of cases a dividend classified by the issuer as special would not fit OCC's definition of ordinary cash dividends or distributions.

In certain cases the OCC Securities Committee will need to make a judgment as to whether to classify a dividend as ordinary or special. The uncertainty which may exist in such cases will diminish over time as OCC publishes interpretations and policies and a body of precedent develops. OCC intends to publish informational material indicating how these situations will be handled. Pursuant to the amendment, the elimination of the 10% Rule will only be effective for dividends announced on and after February 1, 2009, which should allow ample lead time for OCC's educational effort to get under way.

OCC also responded that a balance needs to be struck between uncertainty and fairness in that under the 10% Rule, market participants incur large losses in the case of a 9.9% special dividend but are made whole if the special dividend exceeds 10% of the closing stock price on the declaration date.

The commenters' third major concern in opposing elimination of the 10% Rule was that the rule change would lead to symbol proliferation in that any special dividend greater than $12.50 per contract would trigger a contract adjustment and a new symbol. The frequency of such adjustments could be very high, causing a sharp spike in symbol proliferation. OCC responded by acknowledging that this is true for the short term but that the need for additional symbols would end when the industry converts to decimal stike prices.[18] Also, OCC believes that the inequities caused by the 10% Rule outweigh any operational burdens associated with symbol proliferation.[19]

The fourth major concern raised by the commenters in opposing the 10% Rule was that the revised rule could reduce liquidity for adjusted options because investors are drawn to round increments in strike prices. The 10% Rule has always avoided liquidity loss by only creating odd strike prices when the dividend is so extraordinarily disproportionate as to require adjustment. OCC responded that despite the thousands of contractual adjustments made in over 33 years of options trading on U.S. markets, it knows of no case where liquidity was wiped out for an adjusted series. Market-makers on U.S. options exchanges are numerous, highly competitive, quick to exploit arbitrage opportunities, and in many cases obligated by exchange rules to make

[15] *Supra* notes 3 and 5. Joseph Haggenmiller's comment letter objected to the entire proposed rule change but did not state why. Joseph Haggenmiller (March 8, 2006). The comment letters received after OCC's amendment did not comment on the amendment.

[16] Erik A. Hartog, Operating Manager, Allagash Trading LLC (March 21, 2006); Jeffrey Woodring (March 22, 2006); Adam Besch-Turner (March 23, 2006); Mike Ianni (April 5, 2006); Mike Ianni (April 5, 2006); Peter van Dooijeweert, President, Alopex Capital Management, LLC (April 26, 2006); and Erik A. Hartog, Operating Manager, Allagash Trading LLC (January 8, 2007).

[17] Christopher Nagy, Chairman, Options Committee, Securities Industry Association (March 24, 2006); Bob Linville and Deborah Mittelman, Service Bureau Committee Co-Chairs, Financial Information Forum (May 2, 2006); and James Knight, Vice President, Manager, Options Trading Strategies, Raymond James Associates, Gary Franklin, Manager of Option Trading, Managing Director, Senior Options Principal, Morgan Keegan Co., and Dennis Moorman, Manager-Options Department, J.J.B. Hilliard, W.L. Lyons, Inc. (December 12, 2006).

[18] The current plan is to begin converting fractional strikes to decimal strikes in November 2009.

[19] Since the beginning of 2006, OCC has been tracking special dividends that were too small to trigger an adjustment under the 10% Rule but that would be large enough to cause an adjustment under the revised rule. Up to September 2006, there were a total of 22 more dividends which would have required additional symbols for conventional equity options. In some cases, new symbols would also have had to be assigned for LEAP and flex contracts. According to OCC, the number is not small but is certainly not large relative to the hundreds of adjusted and wrap symbols already assigned.

markets in every series of every class in which they quote.[20]

*B. Comments Opposing the Adjustment Methodology for Stock Dividends, Stock Distributions, and Stock Splits*

The commenters who opposed the revised adjustment methodology for stock dividends, stock distributions, and stock splits did so by suggesting alternative models such as those employed by Eurex and other non-U.S. exchanges.[21] OCC responded that while it has an open mind about making further changes to its adjustment methodology, it did not believe it would be feasible to adopt any of the alternative models proposed by the commenters because they would require extensive and onerous systems changes by OCC, exchanges, members, and vendors. One of the commenters who opposed the adjustment methodology argued that the adjustment methodology is new and will result in significant modifications to the systems which support the adjustment methodology OCC seeks to replace.[22] In addition, the commenter argued that if OCC's proposed adjustment methodology is implemented and the strike price does not change when an adjustment takes place, some other indicator in the displays used to trade options must be changed to somehow alert the investor that the option represents an adjusted contract. OCC responded that it is simply applying to stock dividends, stock distributions, and stock splits the same adjustment methodology used for over thirty years for spin-offs, mergers, and special cash dividends. In addition, OCC argued, price vendors, service bureaus, and securities firms currently do and have always identified adjusted contracts through the use of adjusted symbols.

## IV. Amendment

To address certain concerns expressed in the comment letters and by others, OCC amended the proposed rule change. OCC understands that certain option traders may have integrated into their pricing models the probability of special dividends and their being adjusted based on the OCC rules currently in effect and that eliminating the 10% Rule with respect to existing contracts may unfairly affect these options traders. To ensure that no options series that were opened before approval of the proposed rule change are affected by elimination of the 10% Rule, OCC's elimination of the 10% Rule and implementation of the fixed dollar threshold will take effect only for corporate events announced on or after February 1, 2009. OCC plans to provide ODD disclosure of this rule change before May 29, 2007, (after which date the exchanges would normally begin introducing LEAPS expiring in 2010 making a 2009 implementation impracticable). The delay in implementation will ensure that all options series opened before the ODD disclosure is made available (other than certain ''flex'' options that will be grandfathered under the old rule) will have expired before the change is effected.[23] While delaying the implementation until 2009 postpones the benefit of making this needed change, it addresses the concerns of firms that find the operational hurdles and fairness issues associated with an earlier implementation onerous.

## V. Discussion

After carefully considering the proposed rule change as amended and all of the written comments received, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and particularly with the requirements of Section 17A(b)(3)(F).[24] Section 19(b) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed, in general, to protect investors and the public interest. The Commission believes that OCC's rule change is consistent with this Section because (1) it is intended to eliminate inequities that result from certain rounding practices currently required by OCC's By-Laws and thus should protect investors and (2) it is intended to make more predictable when cash distributions by an issuer will result in an adjustment to an option contract and thus should make the process for adjustments more equitable for all investors.

OCC has amended the rule change in response to many of the commenters that opposed various portions of the rule change for various reasons.

Some commenters expressed concern that elimination of the 10% Rule would create uncertainty as to whether OCC would classify particular dividends as ordinary or special and that market liquidity for the affected options would disappear until OCC made an announcement whether a dividend is ordinary or special. The Commission feels that OCC's proposed rule is clear as to the procedure that will be used to classify a dividend as ordinary or special. A dividend will be classified as ordinary if it is declared pursuant to a policy or practice of paying such dividends on a quarterly or other regular basis. The Commission finds persuasive OCC's argument that most special dividends are in such amounts and/or payable on such dates that it will be immediately obvious to the market that they are not being declared pursuant to a policy or a practice of paying such dividends on a quarterly or other regular basis. In addition, issuers normally classify a dividend as special or ordinary when the dividend is announced, and in the vast majority of cases a dividend classified by the issuer as special would not fit OCC's definition of ordinary cash dividends or distributions. Any uncertainty which may exist in cases where the OCC Securities Committee will need be to make a judgment as to whether a dividend is ordinary or special should diminish over time as OCC publishes interpretations and policies and a body of precedent develops. In addition, the Commission is not convinced, considering that adjusted options have shown no lack of liquidity in the past, that the elimination of the 10% Rule will wipe out liquidity for adjusted options.

Some commenters stated that the elimination of the 10% Rule for existing contracts would be unfair to those traders that have built into their pricing models the possibility that an issuer would declare a special dividend and the effect of that dividend under the

[20] *See, e.g.,* CBOE Rules 8.7 and 8.85.

[21] Christopher Nagy, Chairman, Options Committee, Securities Industry Association (March 24, 2006) and James Knight, Vice President, Manager, Options Trading Strategies, Raymond James Associates, Gary Franklin, Manager of Option Trading, Managing Director, Senior Options Principal, Morgan Keegan Co., and Dennis Moorman, Manager-Options Department, J.J.B. Hilliard, W.L. Lyons, Inc. (December 12, 2006).

[22] Bob Linville and Deborah Mittelman, Service Bureau Committee Co-Chairs, Financial Information Forum (May 2, 2006).

[23] OCC intends to take a ''snapshot'' of flex series expiring after January 31, 2009, that are outstanding at the time when ODD disclosure of the rule change is made. Those series will be assigned distinctive trading symbols and ''grandfathered'' under the old rule. Trading will continue normally in grandfathered series until their expiration, but the exchanges would be free to open otherwise identical non-grandfathered series, which would be identified by conventional flex trading symbols. If ODD disclosure is not made until after the December 2006 expiration, it may also be necessary to grandfather two classes of LEAPs with December expirations (SPY and S&P 100 i-Shares) because the exchanges would ordinarily introduce new series expiring in December 2009 after the December 2006 expiration.

[24] 15 U.S.C. 78q–1(b)(3)(F).

10% Rule. In response, OCC amended the filing so that the 10% Rule will be eliminated and the new dollar threshold implemented only for dividends announced on and after February 1, 2009, so that the majority of existing options contracts will not be affected.

Some commenters also argued that elimination of the 10% Rule would lead to symbol proliferation in that any special dividend greater than $12.50 per contract would trigger a contract adjustment and a new symbol. The Commission believes that any symbol proliferation should be short lived as the industry is planning to convert from fractional strikes to decimal strikes in November 2009 and that the benefits of the change outweigh any burdens.

Of particular concern to the Commission is the inequitable economic impact of unanticipated special dividends on market participants when the 10% Rule is applied. The Commission believes that OCC's rule change makes appropriate changes to the way that OCC handles special dividends to address this problem.

Those commenters that disagreed with the adjustment methodology for stock dividends, stock distributions, and stock splits suggested changes that would require major systems revisions. The Commission believes that such systems changes would be a tremendous burden on the industry and the costs would not outweigh any benefits.

Finally, it was argued that major systems changes would need to be undertaken and symbols changed to somehow alert investors that an option represents an adjusted contract. The Commission is not persuaded by this argument because the adjustment methodology OCC is going to apply to stock dividends, stock distributions, and stock splits is the same adjustment methodology it has used for over thirty years for spin-offs, mergers, and extraordinary cash dividends and identification of these adjusted contracts does not appear to have presented a problem.

## VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.[25] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation.

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–FICC–2006–01), as modified by Amendment No. 1, be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[26]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7–2792 Filed 2–15–07; 8:45 am]

**BILLING CODE 8011–01–P**

[25] 15 U.S.C. 78c(f).

[26] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–55261; File No. SR–Phlx–2007–01]**

## Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Calculation and Dissemination of PHLX/KBW Bank Index Values

February 8, 2007.

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 January 18, 2007, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Phlx. On February 2, 2007, the Phlx filed Amendment No. 1 to the proposed rule change. The Phlx filed the proposed rule change as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.[5]

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes that Dow Jones & Company, Inc. (''Dow Jones'') will replace the Exchange as the party solely responsible for the calculation and dissemination of the current index values[6] of the PHLX/KBW Bank Index (''Bank Index'' or ''Index'').[7]

### 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 Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to provide that Dow Jones, rather than the Exchange, will calculate and disseminate the current index values of the Bank Index. No other changes are proposed in respect of the Index.

Options on the Bank Index, a narrow-based (industry) index, were originally listed in 1992.[8] The Commission's Approval Order regarding the Bank Index and options on it contains the following language about the calculation of the underlying current index value:

> Even though the Index will be maintained by KBW, the Phlx represents that the Exchange will be solely responsible for the calculation of the Index and that the Index value will be calculated and disseminated in such a way that neither KBW nor any other party will be in receipt of the Index value prior to the public dissemination of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Certain additions and technical corrections were made throughout the discussion of the proposed rule change pursuant to conversations with Phlx staff. Telephone conversation between Jurij Trypupenko, Director and Counsel, Phlx, and Kate Robbins, Attorney, Division of Market Regulation, Commission, on February 5, 2007.

[6] Bridge Data, which merged into Reuters, at various times has calculated and disseminated relevant index values on behalf of the Exchange.

[7] KBW is a registered broker-dealer that, among other things, specializes in U.S. bank stocks and is recognized as the ''financial services industry authority.'' The Bank Index (BKX), also known as the KBW Bank Index and as a sector index, is a European-style modified-capitalization-weighted index composed of 24 geographically dispersed companies representing national money center banks and leading regional institutions. KBW has informed the Exchange that an independent third party, Dow Jones, on behalf of KBW will calculate and publicly disseminate the current values of the Bank Index and will follow necessary procedures such as publicly reporting the current underlying index values at least once every 15 seconds during the periods that options on the Bank Index are traded.

[8] *See* Securities Exchange Act Release No. 31145 (September 3, 1992), 57 FR 41531 (September 10, 1992) (SR–Phlx–91–27) (''Approval Order'').

value. In this connection, the Phlx has made arrangements for the Index to be calculated by an independent third party, Bridge Data, a vendor of financial information.[9]

In June 2006, the Exchange filed a proposal that it would calculate and disseminate the Bank Index values in the event that Bridge Data was temporarily unable to calculate and disseminate the values due to technical difficulties.[10] The Exchange is proposing in this filing that it (and any third party on the Exchange's behalf) will cease calculating and disseminating the Bank Index values and, in its place, Dow Jones [11] will be solely responsible for such calculation and dissemination.[12]

The Exchange notes that the listing of options on the Bank Index preceded the adoption of the Exchange's generic index option listing standards in Phlx Rule 1009A. This rule permits the Exchange to list qualifying index options pursuant to a form filing per Rule 19b–4(e) under the Exchange Act (instead of a rule filing as with the Bank Index), and does not require a filing regarding the identity of the entity calculating or disseminating the current index values, so long as such values are publicly reported at least once every 15 seconds during the periods that the index options are traded on the Exchange.[13]

2. Statutory Basis

The Exchange believes that its proposed rule change to make Dow Jones responsible for calculating and disseminating the Bank Index values is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(5) of the Act [15] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17]

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.[18]

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[19] However, Rule 19b–4(f)(6)(iii) [20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Phlx provided the Commission with written notice of its intent to file this proposed rule change at least five business days prior to the date of filing of the proposed rule change. In addition, the Phlx has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will assure the continued availability of the current Bank Index values. For this reason, the Commission designates the proposal to be effective and operative upon filing with the Commission.[21]

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2007–01 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–Phlx–2007–01. 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

[9] *Id.*

[10] *See* Securities Exchange Act Release No. 53933 (June 1, 2006), 71 FR 33330 (June 8, 2006) (SR–Phlx–2006–29).

[11] Dow Jones is an independent third party vis a vis KBW, and KBW has informed the Exchange that Dow Jones will publicly report the underlying values of the Bank Index at least once every 15 seconds during the times that options on the Bank Index are traded on the Exchange.,

[12] Although Dow Jones will take over from Phlx the responsibility to calculate and disseminate current index values of four additional KBW indexes, this is not part of the proposed filing because such indexes were listed pursuant to Rule 19b–4(e).

[13] Where an underlying index is maintained by a broker-dealer, the index must be calculated by a third party who is not a broker-dealer, and the broker-dealer will have to erect a ''Chinese Wall'' around its personnel who have access to information concerning changes in and adjustments to the index. *See* Phlx Rule 1009A(b)(12).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6).

[18] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on February 2, 2007, the date on which the Phlx submitted Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] *Id.*

[21] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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 Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2007–01 and should be submitted on or before March 9, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7–2764 Filed 2–15–07; 8:45 am]

**BILLING CODE 8010–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration # 10805 and # 10806]**

### Florida Disaster # FL–00020

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–1680–DR), dated 02/08/2007.

*Incident:* Severe Storms, Tornadoes, and Flooding.

*Incident Period:* 12/25/2006.

*Effective Date:* 02/08/2007.

*Physical Loan Application Deadline Date:* 04/09/2007.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/08/2007.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 02/08/2007, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Volusia.

Contiguous Counties (Economic Injury Loans Only): Florida: Brevard, Flagler, Lake, Marion, Orange, Putnam, Seminole.

The Interest Rates are:

| | Percent |
|---|---|
| For Physical Damage: | |
| Homeowners with Credit Available Elsewhere | 6.000 |
| Homeowners without Credit Available Elsewhere | 3.000 |
| Businesses with Credit Available Elsewhere | 8.000 |
| Other (Including Non-Profit Organizations) with Credit Available Elsewhere | 5.250 |
| Businesses And Non-Profit Organizations without Credit Available Elsewhere | 4.000 |
| For Economic Injury: | |
| Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere | 4.000 |

The number assigned to this disaster for physical damage is 10805C and for economic injury is 108060.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. E7–2755 Filed 2–15–07; 8:45 am]

**BILLING CODE 8025–01–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA–2007–27111; Notice 1]**

### Baby Trend, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Baby Trend, Inc. (Baby Trend) has determined that certain infant car seats that it produced in 2006 do not comply with S5.1.2.1(b) of 49 CFR 571.213, Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child Restraint Systems.'' Baby Trend has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Baby Trend has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Baby Trend's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are a total of approximately 30,450 infant car seats produced between June 21, 2006 and November 30, 2006. FMVSS No. 213, S5.1.2.1(b) requires the following statements on child restraints: For recall information, call the U.S. Government's Vehicle Safety Hotline at 1–888–327–4236 (TTY: 1–800–424–9153), or go to *http://www.NHTSA.gov.*

The infant car seats do not have the markings required by S5.1.2.1(b). Baby Trend has corrected the problem that caused these errors so that they will not be repeated in future production.

Baby Trend believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Baby Trend states that the child restraint seats comply with the stringent dynamic performance requirements of FMVSS No. 213. Baby Trend does not believe that a safety consequence exists for the technical labeling non-compliance. Further, they believe that given the existing lag time, the use of older information remains a viable means for contacting the National Highway Traffic Safety Administration (NHTSA). Although telephone exchanges have changed, NHTSA still forwards calls in an integrated manner to provide consumer service to the general population. In addition, Baby Trend states that the use of the internet, improvements to NHTSA's websites, and the implementation of the integrated *www.recall.gov* website allow consumers interested in contacting NHTSA to do so more effectively than ever before.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC, 20590–0001. Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal holidays. Comments may be submitted electronically by logging onto the Docket Management System Web

[22] 17 CFR 200.30–3(a)(12).

site at *http://dms.dot.gov.* Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 19, 2007.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8)

Issued on: February 9, 2007.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. E7–2809 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA–2007–27073; Notice 1]**

### Nissan North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Nissan North America, Inc. (Nissan) has determined that the rims on certain vehicles that it produced in 2000 through 2005 do not comply with S5.2(a) and S5.2(c) of 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, ''Tire selection and rims for motor vehicles other than passenger cars.'' Nissan has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Nissan has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Nissan's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are a total of approximately 5,000 optional dealer accessory wheels that have been sold and have been installed on approximately 1,250-model year 2000 through 2005 Nissan Xterra multipurpose passenger vehicles and Frontier pickup trucks. S5.2 of FMVSS No. 120, rim marking, requires that each rim be marked with certain information on the weather side, including:

S5.2(a) A designation which indicates the source of the rim's published nominal dimensions, and S5.2(c) the symbol DOT.

The rims installed on the affected vehicles do not contain the markings required by S5.2(a) or S5.2(c). Nissan has corrected the problem that caused these errors so that they will not be repeated in future production.

Nissan believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Nissan states that the affected rims are 16″x7″ aluminum alloy, which are commonly available and utilized in the United States. They are a correct specification for mounting 16″ original equipment tires specified for Xterra and Frontier models, and are capable of carrying the gross vehicle weight rating (GVWR) of the vehicle. Nissan first became aware of the noncompliance of these vehicles during a regulatory compliance review during March 2006.

Nissan states that no accidents or injuries have occurred, and no customer complaints have been received related to the lack of the markings or any problem that may have resulted from the lack of the markings. Nissan further states that the missing markings do not affect the performance of the wheels or the tire and wheel assemblies.

The rims are marked in compliance with S5.2(b), rim size designation; S5.2(d), manufacturer identification; and S5.2(e) month, day and year or month and year of manufacture. The rims are also marked with a 4030S RSD20–10/20 part number.

The tire size is marked on the tire sidewalls, and the owner's manual and tire inflation pressure placard contain the appropriate tire size to be installed on the original equipment rims. Therefore, Nissan does not believe there is a possibility of a tire and rim mismatch as a result of the missing rim markings. All other requirements under FMVSS No. 120 are met.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. *Mail:* Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC, 20590–0001. *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at *http://dms.dot.gov.* Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* March 19, 2007.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: February 9, 2007.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. E7–2810 Filed 2–15–07; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 34991]**

### Koch Industries, Inc.—Continuance in Control Exemption—Moscow Camden and San Augustine Railroad LLC

Koch Industries, Inc. (Koch Industries), a noncarrier, has filed a verified notice of exemption to indirectly continue in control of Moscow Camden and San Augustine Railroad LLC (MCSA), upon MCSA's becoming a Class III rail carrier.[1]

The transaction is scheduled to be consummated after the effectiveness of the exemption, and no earlier than March 2, 2007.

[1] Simultaneously with this filing, Koch Industries filed a motion for a protective order. The motion is being addressed in a separate Board decision.

The transaction is related to STB Finance Docket No. 34990, *Moscow Camden and San Augustine Railroad LLC—Acquisition and Operation Exemption—Assets of Moscow, Camden & San Augustine Railroad,* wherein Moscow Camden and San Augustine Railroad LLC seeks to acquire and operate the assets of Moscow, Camden & San Augustine Railroad.[2] Upon the effectiveness of that exemption, MCSA will become an indirect wholly owned rail carrier subsidiary of Koch Industries.

Koch Industries currently controls three other Class III rail carriers: Gloster Southern Railroad Company LLC (GSR), Blue Rapids Railway Company LLC (BRR), and Old Augusta Railroad, LLC (OAR).[3] GSR operates an approximately 35-mile rail line between Gloster, MS, and Slaughter, LA, where it connects with Canadian National Railway. GSR's direct parent is Georgia-Pacific Wood Products LLC, which is an indirect wholly owned subsidiary of Georgia-Pacific. BRR operates an approximately 10-mile rail line between Marysville and Bestwall, KS, connecting at the Marysville end to Union Pacific Railroad Company. BRR's direct parent is Georgia-Pacific Gypsum LLC, which is an indirect wholly owned subsidiary of Georgia-Pacific. OAR operates an approximately 2.5-mile line between the Leaf River Pulp Mill in New Augusta, MS, and an interchange with Canadian National Railway in Mississippi. OAR's direct parent is GP Cellulose, LLC, which is an affiliate of Georgia-Pacific.

Koch Industries states that: (i) The railroads will not connect with each other or any railroads within its corporate family, (ii) the transaction is not a part of a series of anticipated transactions that would connect any of these railroads with one another or any other railroad, and (iii) the transaction does not involve a Class I railroad. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions for stay must be filed no later than February 23, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34991, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on David H. Coburn, 1330 Connecticut Ave., NW., Washington, DC 20036.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 6, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7–2439 Filed 2–15–07; 8:45 am]

**BILLING CODE 4915–01–P**

[2] Pursuant to an agreement dated December 21, 2006, between International Paper Company (International Paper), Georgia-Pacific Corporation (now Georgia-Pacific LLC) (Georgia-Pacific), and subsidiaries Georgia-Pacific Wood Products South LLC (Georgia-Pacific South) and Georgia-Pacific Holdings LLC, Georgia-Pacific South has agreed to purchase International Paper's integrated plywood plant and lumber mill complex at Camden, TX. As part of the agreement, Georgia-Pacific South has also agreed to purchase the assets of Moscow, Camden & San Augustine Railroad, a 6.9-mile short line connecting International Paper's Camden complex with a line of Union Pacific Railroad Company at Moscow, TX. Prior to the closing of the transaction, Georgia-Pacific South will assign its right to acquire the assets of the Moscow, Camden & San Augustine Railroad to MCSA, which is expected to be formed as a Delaware limited liability company and to acquire and operate those assets.

[3] *See Old Augusta Railroad, LLC—Acquisition and Operation Exemption—Assets of Old Augusta Railroad Company,* STB Finance Docket No. 34493 (STB served Apr. 21, 2004); and *Koch Forest Products, Inc. and Koch Industries, Inc.—Acquisition of Control Exemption—Gloster Southern Railroad Company and Blue Rapids Railway Company,* STB Finance Docket No. 34784 (STB served Dec. 28, 2005).

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 34956]**

### Nittany and Bald Eagle Railroad Company—Temporary Trackage Rights Exemption-Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR) has agreed to grant non-exclusive, temporary overhead trackage rights to Nittany and Bald Eagle Railroad Company (N&BE) over NSR's line between milepost 194.2, Lock Haven, PA, and milepost 139.2, Driftwood, PA, a distance of approximately 55 miles.[1]

The transaction is scheduled to be consummated on or after March 4, 2007, the effective date of the exemption (30 days after the exemption was filed). The temporary trackage rights will expire on December 30, 2007.

The purpose of the temporary trackage rights is to allow N&BE adequate bridge train service for temporary, seasonal traffic originating on the N&BE for delivery to an off-line destination.

As a condition to this exemption, any employee affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980), and any employee affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Any stay petition must be filed on or before February 23, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34956, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Richard R. Wilson, 127 Lexington Ave., Suite 100, Altoona, PA 16601.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 8, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7–2569 Filed 2–15–07; 8:45 am]

**BILLING CODE 4915–01–P**

[1] A redacted version of the trackage rights agreement between N& BE and NSR was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The request for a protective order is being addressed in a separate decision.

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 34990]**

### Moscow Camden and San Augustine Railroad LLC—Acquisition and Operation Exemption—Assets of Moscow, Camden & San Augustine Railroad

Moscow Camden and San Augustine Railroad LLC (MCSA), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire and operate the assets of a Class III rail carrier, Moscow, Camden & San Augustine Railroad, including a 6.9-mile line which runs between an International Paper Company (International Paper) integrated plywood plant and lumber mill complex at Camden, TX, and a Union Pacific Railroad Company line at Moscow, TX.

MCSA states that, as part of a December 21, 2006 agreement, Georgia-Pacific Wood Products South LLC (Georgia-Pacific South), a subsidiary of Georgia-Pacific Corporation (now Georgia-Pacific LLC) (Georgia-Pacific), has agreed to purchase International Paper's Camden complex, including the assets of Moscow, Camden & San Augustine Railroad. Prior to the closing of the transaction, Georgia-Pacific South will assign its right to acquire the assets that constitute the rail line to MCSA, which is currently expected to be formed as a Delaware limited liability company and will acquire the railroad-related assets at closing.

This transaction is related to STB Finance Docket No. 34991, *Koch Industries, Inc.—Continuance in Control Exemption—Moscow Camden and San Augustine Railroad LLC,* wherein Koch Industries, Inc., the ultimate parent of Georgia-Pacific, seeks to continue in control of MCSA upon its becoming a Class III rail carrier.

MCSA certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million.

The earliest this transaction may be consummated is the March 2, 2007 effective date of the exemption (30 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions for stay must be filed no later than February 23, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34990, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on David H. Coburn, 1330 Connecticut Ave., NW., Washington, DC 20036. Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 6, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7–2434 Filed 2–15–07; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

**[AC–08: OTS Nos. 18040 and H–4364]**

### CMS Bancorp, Inc., White Plains, New York; Approval of Conversion Application

Notice is hereby given that on February 12, 2007, the Assistant Managing Director, Examinations and Supervision—Operations, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Community Mutual Savings Bank, White Plains, New York, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail:) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Northeast Regional Office, Harborside Financial Center Plaza Five, Suite 1600, Jersey City, New Jersey 07311.

Dated: February 13, 2007.

By the Office of Thrift Supervision.

**Sandra E. Evans,**

*Legal Information Assistant.*

[FR Doc. 07–737 Filed 2–15–07; 8:45 am]

**BILLING CODE 6720–01–M**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

**[AC–09: OTS Nos. 01254 and H–4365]**

### ESSA Bancorp, Inc., Stroudsburg, PA; Approval of Conversion Application

Notice is hereby given that on February 12, 2007, the Assistant Managing Director, Examinations and Supervision—Operations, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of ESSA Bank & Trust, Stroudsburg, Pennsylvania, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail:) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Northeast Regional Office, Harborside Financial Center Plaza Five, Suite 1600 Jersey City, New Jersey 07311.

Dated: February 13, 2007.

By the Office of Thrift Supervision.

**Sandra E. Evans,**

*Legal Information Assistant.*

[FR Doc. 07–738 Filed 2–15–07; 8:45 am]

**BILLING CODE 6720–01–M**

Federal Register

Friday,
February 16, 2007

# Part II

# Department of Housing and Urban Development

## Federal Property Suitable as Facilities To Assist the Homeless; Notice

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5125–N–07]**

## Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:** Kathy Ezzell, Room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Ms. Kathryn Halvorson, Director, Air Force Real Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209–2802; (703) 696–5502; *COE:* Ms. Tracy Beck, Army Corps of Engineers, Office of Counsel CECC–R, 441 G Street, NW., Washington, DC 20314–1000; (202) 761–0019; *Navy:* Mr. Warren Meekins, Associate Director, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9305; (These are not toll-free numbers).

**Mark R. Johnston,**

*Deputy Assistant Secretary for Special Needs.*

## TITLE V, Federal Surplus Property Program

*Federal Register Report for 02/16/2007*

**Suitable/Available Properties**

*Building*

Hawaii

Bldg. 849
Bellows AFS
Bellows AFS HI
Landholding Agency: Air Force
Property Number: 18200330008
Status: Unutilized
Comments: 462 sq. ft., concrete storage facility, off-site use only

Kentucky

Green River Lock #3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199010022
Status: Unutilized
Directions: SR 70 west from Morgantown, KY, approximately 7 miles to site
Comments: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab

Missouri

Bldgs. 90A/B, 91A/B, 92A/B
Jefferson Barracks Housing
St. Louis MO 63125
Landholding Agency: Air Force
Property Number: 18200220002
Status: Excess
Comments: 6450 sq. ft., needs repair, includes 2 acres

**Suitable/Available Properties**

*Building*

Montana

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040010
Status: Unutilized
Comments: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040011
Status: Unutilized
Comments: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard

Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040012
Status: Unutilized
Comments: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040013
Status: Unutilized
Comments: 72 sq. ft., most recent use—cold storage, off-site use only

**Suitable/Available Properties**

*Building*

Montana

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040014
Status: Unutilized
Comments: 1286 sq. ft., most recent use—cold storage, off-site use only

New York

Bldg. 240
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340023
Status: Unutilized
Comments: 39108 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 247
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340024
Status: Unutilized
Comments: 13199 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 248
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340025
Status: Unutilized
Comments: 4000 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

**Suitable/Available Properties**

*Building*

New York

Bldg. 302
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340026
Status: Unutilized
Comments: 10288 sq. ft., presence of asbestos, most recent use—communications facility

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Landholding Agency: COE
Property Number: 31199120018
Status: Unutilized
Directions: Located at lock site, downstream of lock and dam structure
Comments: 1600 sq. ft. bldg. with 1/2 acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Structure
21897 Deer Creek Road
Mt. Sterling Co: Pickaway OH 43143
Landholding Agency: COE
Property Number: 31200540009
Status: Unutilized
Comments: 1321 sq. ft., brick, off-site use only

**Suitable/Available Properties**

*Building*

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242
Landholding Agency: COE
Property Number: 31199210008
Status: Unutilized
Comments: 1015 sq. ft., 2 story brick residence, off-site use only

Dwelling
Lock 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199620008
Status: Unutilized
Comments: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199640002
Status: Unutilized
Comments: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential

Dwelling
Lock 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Landholding Agency: COE
Property Number: 31199710009
Status: Unutilized
Comments: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

**Suitable/Available Properties**

*Building*

Pennsylvania

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740002
Status: Excess
Comments: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740003
Status: Excess
Comments: 3045 sq. ft., most recent use—residential, good condition, off-site use only

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Landholding Agency: COE
Property Number: 31199740005
Status: Underutilized
Comments: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740006
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

**Suitable/Available Properties**

*Building*

Pennsylvania

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740007
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Landholding Agency: COE
Property Number: 31199740008
Status: Excess
Comments: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Lock 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199740009
Status: Excess
Comments: 2652 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199830003
Status: Excess
Comments: 1421 sq. ft., 2-story + basement, most recent use—residential

**Suitable/Available Properties**

*Building*

Pennsylvania

Residence A
2045 Pohopoco Drive
Lehighton Co: Carbon PA 18235
Landholding Agency: COE
Property Number: 31200410007
Status: Unutilized
Comments: 1200 sq. ft., presence of asbestos, off-site use only

South Carolina

4 Bldgs.
Charleston AFB
N. Charleston SC 29404
Landholding Agency: Air Force

Property Number: 18200430025
Status: Excess
Directions: 2314A/B, 2327A/B, 2339A/B, 2397A/B
Comments: 2722 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

4 Bldgs.
Charleston AFB
N. Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18200430027
Status: Excess
Directions: 2315A/B, 2323A/B, 2330A/B, 2387A/B
Comments: 2756 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

**Suitable/Available Properties**

*Building*

South Carolina

3 Bldgs.
Charleston AFB
N. Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18200430028
Status: Excess
Directions: 2321A/B, 2326A/B, 2336A/B
Comments: 2766 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 2331A/B
Charleston AFB
N. Charleston SC 29494
Landholding Agency: Air Force
Property Number: 18200430029
Status: Excess
Comments: 2803 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 2341A/B
Charleston AFB
N. Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18200430030
Status: Excess
Comments: 2715 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

**Suitable/Available Properties**

*Building*

South Carolina
4 Bldgs.
Charleston AFB
N. Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18200430048
Status: Excess
Directions: 1846A/B, 1853A/B, 1862A/B, 2203A/B
Comments: 2363 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 1828A/B
Charleston AFB
N. Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18200430052
Status: Excess
Comments: 2330 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

*Land*

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010025
Status: Excess
Directions: Adjoining the village of Rockcastle
Comments: 2.57 acres; rolling and wooded

**Suitable/Available Properties**

*Land*

Kentucky

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010026
Status: Excess
Directions: 2½ miles in a southerly direction from the village of Rockcastle
Comments: 2.00 acres; steep and wooded

**Tract 2708–1 and 2709–1**

Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010027
Status: Excess
Directions: 2½ miles in a southerly direction from the village of Rockcastle
Comments: 3.59 acres; rolling and wooded; no utilities

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010028
Status: Excess
Directions: 4½ miles in a southeasterly direction from the village of Rockcastle
Comments: 5.44 acres; steep and wooded

**Suitable/Available Properties**

*Land*

Kentucky

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010029
Status: Excess
Directions: 6½ miles west of Cadiz
Comments: 5.76 acres; steep and wooded; no utilities

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010031
Status: Excess
Directions: 1 mile in a southerly direction from the village of Rockcastle
Comments: 4.90 acres; wooded; no utilities

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010032
Status: Excess
Directions: Trigg Co. adjoining the city of Canton, KY on the waters of Hopson Creek
Comments: 8.24 acres; steep and wooded

**Suitable/Available Properties**

*Land*

Kentucky

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010033
Status: Excess
Directions: 3½ miles in a southerly direction from Canton, KY
Comments: 4.26 acres; steep and wooded

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010034
Status: Excess
Directions: 5 miles south of Canton, KY
Comments: 10.51 acres; steep and wooded; no utilities

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010035
Status: Excess
Directions: 4½ miles south from Canton, KY
Comments: 2.02 acres; steep and wooded; no utilities

**Suitable/Available Properties**

*Land*

Kentucky

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010036
Status: Excess
Directions: 6½ miles south of Canton, KY
Comments: 1.75 acres; wooded

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010042
Status: Excess
Directions: On the north side of the Illinois Central Railroad
Comments: 5.80 acres; steep and wooded

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010044
Status: Excess
Directions: Approximately 4 miles east of Eddyville, KY
Comments: 25.86 acres; rolling steep and partially wooded; no utilities

**Suitable/Available Properties**

*Land*

Kentucky

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199010045
Status: Excess

Directions: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Comments: 8.71 acres; rolling steep and wooded; no utilities

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010046
Status: Excess
Directions: Approximately 4½ miles east of Eddyville, KY
Comments: 47.42 acres; steep and wooded; no utilities

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010047
Status: Excess
Directions: Approximately 4½ miles east of Eddyville, KY
Comments: 8.64 acres; steep and wooded; no utilities

**Suitable/Available Properties**

*Land*

Kentucky

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010048
Status: Excess
Directions: Approximately 5½ miles east of Eddyville, KY
Comments: 4.62 acres; steep and wooded; no utilities

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010049
Status: Excess
Directions: Approximately 7½ miles southeasterly of Eddyville, KY
Comments: 11.43 acres; steep; rolling and wooded; no utilities

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010050
Status: Excess
Directions: 7 miles southeasterly of Eddyville, KY
Comments: 1.56 acres; steep and wooded; no utilities

**Suitable/Available Properties**

*Land*

Kentucky

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010051
Status: Excess
Directions: 9 miles southeasterly of Eddyville, KY
Comments: 24.46 acres; steep and wooded; no utilities

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010052
Status: Excess
Directions: South of the Illinois Central Railroad, 1 mile east of the Cumberland River
Comments: 5.5 acres; wooded; no utilities

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010053
Status: Excess
Directions: 5 miles southwest of Kuttawa
Comments: 1.40 acres; wooded; no utilities

**Suitable/Available Properties**

*Land*

Kentucky

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010054
Status: Excess
Directions: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Comments: 1.26 acres; steep and wooded; no utilities

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010055
Status: Excess
Directions: 2.5 miles southwest of Kuttawa, KY on the waters of Cypress Creek
Comments: 38.77 acres; steep and wooded; no utilities

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010056
Status: Excess
Directions: 6½ miles southeasterly of Eddyville, KY
Comments: 97.66 acres; steep rolling and wooded; no utilities

**Suitable/Available Properties**

*Land*

Kentucky

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010058
Status: Excess
Directions: Village of Linton, KY state highway 1254
Comments: 0.93 acres; rolling, partially wooded; no utilities

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010059
Status: Excess
Directions: 1 mile northwest of Linton, KY
Comments: 2.26 acres; steep and wooded; no utilities

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199011621
Status: Excess
Directions: 4½ miles south from Canton, KY
Comments: 3.71 acres; steep and wooded; subject to utility easements

**Suitable/Available Properties**

*Land*

Kentucky

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199011622
Status: Excess
Directions: 4½ miles south from Canton, KY
Comments: 1.73 acres; steep and wooded; subject to utility easements

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199011623
Status: Unutilized
Directions: 7 miles southeasterly from Eddyville, KY
Comments: 0.70 acres, wooded; subject to utility easements

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011624
Status: Excess
Directions: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Comments: 11.16 acres; steep and wooded; subject to utility easements

**Suitable/Available Properties**

*Land*

Kentucky

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011625
Status: Excess
Directions: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Comments: 2.44 acres; steep and wooded; subject to utility easements

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011626
Status: Excess
Directions: 5 miles southwest of Kuttawa
Comments: 1.00 acres; wooded; subject to utility easements

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011627
Status: Excess
Directions: 5 miles southwest of Kuttawa
Comments: 1.00 acres; wooded; subject to utility easements

**Suitable/Available Properties**

*Land*

Kentucky

Tract N–819
Dale Hollow Lake Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601
Landholding Agency: COE
Property Number: 31199140009
Status: Underutilized
Comments: 91 acres, most recent use—hunting, subject to existing easements

Missouri

Communications Site
County Road 424
Dexter Co: Stoddard MO
Landholding Agency: Air Force
Property Number: 18200710001
Status: Unutilized
Comments: 10.63 acres
Harry S Truman Dam
Warsaw Co: Benton MO 65355
Landholding Agency: COE
Property Number: 31199030014
Status: Underutilized
Directions: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park
Tract 150
Comments: 1.7 acres; potential utilities

**Suitable/Available Properties**

*Land*

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 31199010923
Status: Unutilized
Comments: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Landholding Agency: COE
Property Number: 31199010018
Status: Excess
Directions: Route 28 north to Belknap, Road #4
Comments: 2.58 acres; steep and densely wooded

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150
Landholding Agency: COE
Property Number: 31199011001
Status: Excess
Directions: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue
Comments: 24.09 acres; subject to flowage easement

**Suitable/Available Properties**

*Land*

Pennsylvania

Tracts L24, L26
Crooked Creek Lake Null Co: Armstrong PA 03051
Landholding Agency: COE
Property Number: 31199011011
Status: Unutilized
Directions: Left bank—55 miles downstream of dam
Comments: 7.59 acres; potential for utilities
Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226
Landholding Agency: COE
Property Number: 31199430012
Status: Unutilized
Comments: Approximately 1.72 acres of undeveloped land, subject to gas rights

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010927
Status: Excess
Directions: 2½ miles west of Dover, TN
Comments: .57 acres; subject to existing easements

**Suitable/Available Properties**

*Land*

Tennessee

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010928
Status: Excess
Directions: 3½ miles south of village of Tabaccoport
Comments: 100.86 acres; subject to existing easements

Tract 1
Barkley Lake
Ashland City Co: Dickson TN 37015
Landholding Agency: COE
Property Number: 31199010929
Status: Excess
Directions: ½ mile downstream from Cheatham Dam
Comments: 26.25 acres; subject to existing easements

Tract 2319
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010930
Status: Excess
Directions: West of Buckeye Bottom Road
Comments: 14.48 acres; subject to existing easements

**Suitable/Available Properties**

*Land*

Tennessee

Tract 2227
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010931
Status: Excess
Directions: Old Jefferson Pike
Comments: 2.27 acres; subject to existing easements

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010932
Status: Excess
Directions: Across Fall Creek near Fall Creek camping area
Comments: 14.85 acres; subject to existing easements
Tracts 2601,2602,2603,2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199010933
Status: Unutilized
Directions: TN Highway 56
Comments: 11 acres; subject to existing easements

**Suitable/Available Properties**

*Land*

Tennessee

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010934
Status: Excess
Directions: East of Lamar Road
Comments: 6.92 acres; subject to existing easements

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010936
Status: Excess
Directions: 2½ miles SE of Dover, TN
Comments: 10.15 acres; subject to existing easements

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050
Landholding Agency: COE
Property Number: 31199010937
Status: Excess
Directions: 1½ miles East of Cumberland City
Comments: 96 acres; subject to existing easements

**Suitable/Available Properties**

*Land*

Tennessee

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050
Landholding Agency: COE
Property Number: 31199010938
Status: Excess
Directions: 4 miles east of Cumberland City
Comments: 7.7 acres; subject to existing easements

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010939
Status: Excess
Directions: 2 miles downstream from Cheatham Dam
Comments: 1.1 acres; subject to existing easements

Tracts 11523, 11524
Barkley Lake

Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010940
Status: Excess
Directions: 2½ miles downstream from Cheatham Dam
Comments:
19.5 acres; subject to existing easements

**Suitable/Available Properties**

*Land*

Tennessee

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028
Landholding Agency: COE
Property Number: 31199010941
Status: Excess
Directions: 4½ miles SW. of Bumpus Mills
Comments: 17 acres; subject to existing easements

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142
Landholding Agency: COE
Property Number: 31199010943
Status: Excess
Directions: 3 miles NE of Palmyer, TN. Highway 149
Comments: 6.6 acres; subject to existing easements

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010944
Status: Excess
Directions: 1½ miles SE of Dover, TN
Comments: 29.67 acres; subject to existing easements

**Suitable/Available Properties**

*Land*

Tennessee

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199011173
Status: Excess
Directions: 3 miles south of Village of Tobaccoport
Comments: 5 acres; subject to existing easements

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074
Landholding Agency: COE
Property Number: 31199130007
Status: Underutilized
Comments: 54 acres, (portion in floodway), most recent use—recreation

Tract A–102
Dale Hollow Lake Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199140006
Status: Underutilized
Comments: 351 acres, most recent use—hunting, subject to existing easements

Tract A–120
Dale Hollow Lake Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199140007
Status: Underutilized
Comments: 883 acres, most recent use—hunting, subject to existing easements

**Suitable/Available Properties**

*Land*

Tennessee

Tract D–185
Dale Hollow Lake Project Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570
Landholding Agency: COE
Property Number: 31199140010
Status: Underutilized
Comments: 97 acres, most recent use—hunting, subject to existing easements
Summary for Suitable/Available Properties = Total number of Properties 110

**Suitable/Unavailable Properties**

*Building*

Illinois

Bldg. 7
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010001
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; 1 floor wood frame; most recent use—residence

Bldg. 6
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010002
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

**Suitable/Unavailable Properties**

*Building*

Illinois

Bldg. 5
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010003
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

Bldg. 4
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010004
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

Bldg. 3
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010005
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame

**Suitable/Unavailable Properties**

*Building*

Illinois

Bldg. 2
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010006
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

Bldg. 1
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010007
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

Ohio

Bldg.—Berlin Lake 7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Landholding Agency: COE
Property Number: 31199640001
Status: Unutilized
Comments: 1420 sq. ft., 2-story brick w/ garage and basement, most recent use—residential, secured w/alternate access

**Suitable/Unavailable Properties**

*Building*

Pennsylvania

Tract 403A
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430021
Status: Unutilized Comments: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site

Tract 403B
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430022
Status: Unutilized
Comments: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site

Tract 403C
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430023
Status: Unutilized
Comments: 672 sq. ft., 2-story carriage house/stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed

**Suitable/Unavailable Properties**

*Building*

Washington

22 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420001
Status: Unutilized
Comments: 1625 sq. ft., possible asbestos/ lead paint, most recent use—residential

Bldg. 404/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420002
Status: Unutilized
Comments: 1996 sq. ft., possible asbestos/ lead paint, most recent use—residential

11 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420003
Status: Unutilized
Comments: 2134 sq. ft., possible asbestos/ lead paint, most recent use—residential

Bldg. 297/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420004
Status: Unutilized
Comments: 1425 sq. ft., possible asbestos/ lead paint, most recent use—residential

**Suitable/Unavailable Properties**

*Building*

Washington

9 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420005
Status: Unutilized
Comments: 1620 sq. ft., possible asbestos/ lead paint, most recent use—residential

22 Bldgs./Geiger Heights
Fairchild AFB Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420006
Status: Unutilized
Comments: 2850 sq. ft., possible asbestos/ lead paint, most recent use—residential

51 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420007
Status: Unutilized
Comments: 2574 sq. ft., possible asbestos/ lead paint, most recent use—residential

Bldg. 402/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420008
Status: Unutilized
Comments: 2451 sq. ft., possible asbestos/ lead paint, most recent use—residential

**Suitable/Unavailable Properties**

*Building*

Washington

5 Bldgs./Geiger Heights
Fairchild AFB 222, 224, 271, 295, 260
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420009
Status: Unutilized
Comments: 3043 sq. ft., possible asbestos/ lead paint, most recent use—residential

5 Bldgs./Geiger Heights
Fairchild AFB 102, 183, 118, 136, 113
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420010
Status: Unutilized
Comments: 2599 sq. ft., possible asbestos/ lead paint, most recent use—residential

*Land*

Illinois

Lake Shelbyville
Shelbyville Co: Shelby IL 62565–9804
Landholding Agency: COE
Property Number: 31199240004
Status: Unutilized
Comments: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions

**Suitable/Unavailable Properties**

*Land*

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Landholding Agency: COE
Property Number: 31199011012
Status: Underutilized
Directions: Free camping area on the right bank off entrance roadway
Comments: 1 acre; most recent use—free campground

Dashields Locks and Dam (Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 31199210009
Status: Unutilized

Comments: 0.58 acres, most recent use—baseball field

South Dakota

Tract 133
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Landholding Agency: Air Force
Property Number: 18200310004
Status: Unutilized
Comments: 53.23 acres

Tract 67
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Landholding Agency: Air Force
Property Number: 18200310005
Status: Unutilized
Comments: 121 acres, bentonite layer in soil, causes movement

Suitable / Unavailable Properties Summary for Suitable / Unavailable Properties = Total number of Properties 144

**Suitable/To be Excessed**

*Land*

Georgia

Lake Sidney Lanier null Co: Forsyth GA 30130
Landholding Agency: COE
Property Number: 31199440010
Status: Unutilized
Directions: Located on Two Mile Creek adj. to State Route 369
Comments: 0.25 acres, endangered plant species
Lake Sidney Lanier—3 parcels
Gainesville Co: Hall GA 30503
Landholding Agency: COE
Property Number: 31199440011
Status: Unutilized
Directions: Between Gainesville H.S. and State Route 53 By-Pass
Comments: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species

**Suitable/To be Excessed**

*Land*

Kansas

Parcel #1
Fall River Lake
Section 26 null Co: Greenwood KS
Landholding Agency: COE
Property Number: 31199010065
Status: Unutilized
Comments: 126.69 acres; most recent use—recreation and leased cottage sites

Parcel No. 2, El Dorado Lake
Approx. 1 mi east of the town of El Dorado null Co: Butler KS
Landholding Agency: COE
Property Number: 31199210005
Status: Unutilized
Comments: 11 acres, part of a relocated railroad bed, rural area

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Landholding Agency: COE
Property Number: 31199010016
Status: Excess
Directions: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256
Comments: 1.45 acres.

**Suitable/To be Excessed**

*Land*

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010942
Status: Excess
Directions: Right downstream bank of Sycamore Creek.
Comments: 8.93 acres; subject to existing easements.

Texas

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Landholding Agency: COE
Property Number: 31199240001

Status: Unutilized
Directions: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Comments: 4.4 acres, most recent use—farm land.
Summary for Suitable/To be Excessed = Total number of Properties 7

**Unsuitable Properties**

*Building*

Alabama

Comfort Station
Clailborne Lake
Camden AL 36726
Landholding Agency: COE
Property Number: 31200540001
Status: Unutilized
Reasons: Extensive deterioration,
Pumphouse, Dannelly Reservoir
Camden AL 36726
Landholding Agency: COE
Property Number: 31200540002
Status: Unutilized
Reasons: Extensive deterioration

Alaska

Bldgs. 3270, 3274, 3278
Elmendorf AFB
Anchorage AK 99506
Landholding Agency: Air Force
Property Number: 18200630001
Status: Unutilized
Reasons: Secured Area
Within 2000 ft. of flammable or explosive material

**Unsuitable Properties**

*Building*

Arkansas

Dwelling
Bull Shoals Lake/Dry Run Road
Oakland Co: Marion AR 72661
Landholding Agency: COE
Property Number: 31199820001
Status: Unutilized
Reasons: Extensive deterioration

Helena Casting Plant
Helena Co: Phillips AR 72342
Landholding Agency: COE
Property Number: 31200220001
Status: Unutilized
Reasons: Extensive deterioration

BSHOAL–43560
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630001
Status: Unutilized
Reasons: Extensive deterioration

BSHOAL–43561
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630002
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Arkansas

BSHOAL–43652
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630003
Status: Unutilized
Reasons: Extensive deterioration

NRFORK–48769
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630004
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 43336, 44910, 44949
Nimrod-Blue Mountain Project
Plainview AR 72858
Landholding Agency: COE
Property Number: 31200630005
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 44913, 44925
Nimrod-Blue Mountain Project
Plainview AR 72857
Landholding Agency: COE
Property Number: 31200630006
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

California

Bldgs. 5001 thru 5082
Edwards AFB
Area A
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18200620002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Garages 25001 thru 25100
Edwards AFB
Area A
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18200620003
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Soil Testing Lab
Sausalito CA 00000
Landholding Agency: COE
Property Number: 31199920002
Status: Excess
Reasons: Other—contamination

**Unsuitable Properties**

*Building*

Connecticut

Hezekiah S. Ramsdell Farm
West Thompson Lake
North Grosvenordale Co: Windham CT 06255–9801
Landholding Agency: COE
Property Number: 31199740001
Status: Unutilized
Reasons: Extensive deterioration, Floodway

Florida

Bldgs. 2349, 2351
Tyndall AFB
Bay FL 32403
Landholding Agency: Air Force
Property Number: 18200640002
Status: Unutilized
Reasons: Within airport runway clear zone

Bldg. SF–15
Sub-Office Operations
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200430003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. SF–16
Sub-Office Operations
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200430004
Status: Unutilized
Reasons: Secured Area

**Unsuitable Properties**

*Building*

Florida

Bldg. SF–17
Sub-Office Operations
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200430005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. SF–33
Franklin Lock
Alva Co: Lee FL 33920
Landholding Agency: COE
Property Number: 31200620008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 25
(f) Richmond Naval Air Station
15810 SW 129th Ave.
Miami Co: Dade FL 33177
Landholding Agency: COE
Property Number: 31200620031
Status: Excess
Reasons: Extensive deterioration

Bldg. SF–14
S. Florida Operations Ofc. Reservation
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200710001
Status: Unutilized
Reasons: Secured Area

**Unsuitable Properties**

*Building*

Georgia

Facilities 284, 286, 288
Savannah HHIAP
Garden City Co: Chatham GA 31408
Landholding Agency: Air Force
Property Number: 18200710002
Status: Unutilized
Reasons: Secured Area

Facilities 1904, 1908
Savannah HHIAP
Garden City Co: Chatham GA 31408
Landholding Agency: Air Force
Property Number: 18200710003
Status: Unutilized
Reasons: Secured Area

Bldg. #WRSH18
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31200430006

Status: Unutilized
Reasons: Secured Area

Bldg. W03
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31200430007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

**Unsuitable Properties**

*Building*

Georgia

Gatehouse #W03
West Point Lake
West Point GA 31833–9517
Landholding Agency: COE
Property Number: 31200510001
Status: Unutilized
Reasons: Extensive deterioration

WRSH14, WRSH15, WRSH18
West Point Lake
West Point GA 31833–9517
Landholding Agency: COE
Property Number: 31200510002
Status: Unutilized
Reasons: Extensive deterioration

Pumphouse
Carters Lake
Oakman GA 30732
Landholding Agency: COE
Property Number: 31200520002
Status: Unutilized
Reasons: Extensive deterioration

Vault Toilet
Lake Sidney Lanier
Buford GA 30518
Landholding Agency: COE
Property Number: 31200540003
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Georgia

Bldg. RBR–19689
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620001
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19690
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620002
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19696
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19697
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620004
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Georgia

Bldg. RBR–19705
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620005
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19706
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620006
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19721
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620007
Status: Unutilized
Reasons: Extensive deterioration

Bldg. WC–19
Walter F. George Lake
Fort Gaines GA 39851
Landholding Agency: COE
Property Number: 31200630007
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Georgia

Radio Room
Walter F. George Lake
Ft. Gaines GA 39851
Landholding Agency: COE
Property Number: 31200640004
Status: Unutilized
Reasons: Extensive deterioration

Bldg. JST–16711
Hesters Ferry Campground
Lincoln GA
Landholding Agency: COE
Property Number: 31200710002
Status: Unutilized
Reasons: Extensive deterioration

Bldg. JST–20852
Clay Hill Campground
Lincoln GA
Landholding Agency: COE
Property Number: 31200710003
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Hawaii

Bldgs. 31, 33
Hickman Petro Products Storage Annex
Wheeler HI
Landholding Agency: Air Force
Property Number: 18200710004
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldgs. 35, 36, 37
Hickman Petro Products Storage Annex
Wheeler HI
Landholding Agency: Air Force
Property Number: 18200710005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 41, 101
Hickman Petro Products Storage Annex
Wheeler HI
Landholding Agency: Air Force
Property Number: 18200710006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

**Unsuitable Properties**

*Building*

Idaho

Bldg. AFD0070
Albeni Falls Dam
Oldtown Co: Bonner ID 83822
Landholding Agency: COE
Property Number: 31199910001
Status: Unutilized
Reasons: Extensive deterioration

Illinois

Bldg. CB562–7141
Wilborn Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620009
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7153
Wilborn Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620010
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7162
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620011
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Illinois

Bldg. CB562–7163
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620012
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7164
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620013
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7165
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620014
Status: Excess

Reasons: Extensive deterioration

Bldg. CB562–7196
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620015
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Illinois

Bldg. CB562–7197
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620016
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7199
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620017
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7200
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620018
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–9042
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620019
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Illinois

Bldg. CB639–7876
Rend Lake
Benton IL 62812
Landholding Agency: COE
Property Number: 31200620020
Status: Excess
Reasons: Extensive deterioration

Fee Booth
Bo Wood Recreation Area
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200630008
Status: Unutilized
Reasons: Extensive deterioration

Comfort Station
Rend Lake
Benton IL 62812
Landholding Agency: COE
Property Number: 31200710004
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Indiana

Comfort Station
Salamonie Lake
Lagro IN 46941
Landholding Agency: COE
Property Number: 31200540004
Status: Unutilized
Reasons: Extensive deterioration

Sewage Treatment Plant
Mississinewa Lake
Peru IN 46970
Landholding Agency: COE
Property Number: 31200540005
Status: Unutilized
Reasons: Extensive deterioration

Frame House
Brookville Lake
Union IN
Landholding Agency: COE
Property Number: 31200710005
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Iowa

Treatment Plant
South Fork Park
Mystic Co: Appanoose IA 52574
Landholding Agency: COE
Property Number: 31200220002
Status: Excess
Reasons: Extensive deterioration

Storage Bldg.
Rathbun Project
Moravia Co: Appanoose IA 52571
Landholding Agency: COE
Property Number: 31200330001
Status: Excess
Reasons: Extensive deterioration

Bldg.
Island View Park
Rathbun Project
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200330002
Status: Excess
Reasons: Extensive deterioration

Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–1902
Landholding Agency: COE
Property Number: 31200410001
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Iowa

Rathbun 29369, 29368
Island View park
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200510003
Status: Excess
Reasons: Extensive deterioration

RTHBUN–79326
Buck Creek Park
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200520004
Status: Excess
Reasons: Extensive deterioration

Bldg.
Buck Creek Park
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200610001
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldgs. 2031, 2029, 2025, 2023
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200630003
Status: Unutilized
Reasons: Secured Area

Bldgs. 2033, 2018, 2016
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200630004
Status: Unutilized
Reasons: Secured Area

Bldgs. 2039, 2036
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200630005
Status: Unutilized
Reasons: Secured Area

Bldgs. 2041, 2027, 2021
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200630006
Status: Unutilized
Reasons: Secured Area

**Unsuitable Properties**

*Building*

Kansas

Bldg. 2507
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200630007
Status: Unutilized
Reasons: Secured Area

22 Duplexes
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200640004
Status: Excess
Reasons: Secured Area

5 Duplexes
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200640005
Status: Excess
Directions: 2009, 2224, 2312, 2315, 2357
Reasons: Secured Area

Bldgs. 2131, 2133
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200640006
Status: Excess
Reasons: Secured Area

**Unsuitable Properties**

*Building*

Kansas

Bldgs. 2201, 2301

McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200640007
Status: Excess
Reasons: Secured Area

15 Single Units
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18200640008
Status: Excess
Reasons: Secured Area

No. 01017
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200210001
Status: Unutilized
Reasons: Extensive deterioration

No. 01020
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200210002
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

No. 61001
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200210003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. #1
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200220003
Status: Excess
Reasons: Extensive deterioration

Bldg. #2
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200220004
Status: Excess
Reasons: Extensive deterioration

Bldg. #4
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200220005
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Comfort Station
Clinton Lake Project
Lawrence Co: Douglas KS 66049
Landholding Agency: COE
Property Number: 31200220006
Status: Excess
Reasons: Extensive deterioration

Privie
Perry Lake
Perry Co: Jefferson KS 66074
Landholding Agency: COE
Property Number: 31200310004
Status: Unutilized
Reasons: Extensive deterioration

Shower
Perry Lake
Perry Co: Jefferson KS 66073
Landholding Agency: COE
Property Number: 31200310005
Status: Unutilized
Reasons: Extensive deterioration

Tool Shed
Perry Lake
Perry Co: Jefferson KS 66073
Landholding Agency: COE
Property Number: 31200310006
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldg. M37
Minooka Park
Sylvan Grove Co: Russell KS 67481
Landholding Agency: COE
Property Number: 31200320002
Status: Excess Reasons: Extensive deterioration

Bldg. M38
Minooka Park
Sylvan Grove Co: Russell KS 67481
Landholding Agency: COE
Property Number: 31200320003
Status: Excess
Reasons: Extensive deterioration

Bldg. L19
Lucas Park
Sylvan Grove Co: Russell KS 67481
Landholding Agency: COE
Property Number: 31200320004
Status: Unutilized
Reasons: Extensive deterioration

2 Bldgs.
Tuttle Creek Lake
Near Shelters #3 & #4
Riley KS 66502
Landholding Agency: COE
Property Number: 31200330003
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

6 Bldgs.
Cottonwood Point/Hillsboro Cove
Marion Co: Coffey KS 66861
Landholding Agency: COE
Property Number: 31200340001
Status: Excess
Reasons: Extensive deterioration

20 Bldgs.
Riverside
Burlington Co: Coffey KS 66839–8911
Landholding Agency: COE
Property Number: 31200340002
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Canning Creek/Richey Cove
Council Grove Co: Morris KS 66846–9322
Landholding Agency: COE
Property Number: 31200340003
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Santa Fe Trail/Outlet Channel
Council Grove Co: Morris KS 66846
Landholding Agency: COE
Property Number: 31200340004
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Residence
Melvern Lake Project
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200340005
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Management Park
Vassar KS 66543
Landholding Agency: COE
Property Number: 31200340006
Status: Excess
Reasons: Extensive deterioration

Bldg.
Hickory Campground
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340007
Status: Excess
Reasons: Extensive deterioration

Bldg.
Rockhaven Park Area
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340008
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldg.
Overlook Park Area
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340009
Status: Excess
Reasons: Extensive deterioration

Bldg.
Walnut Campground
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340010
Status: Excess
Reasons: Extensive deterioration

Bldg.
Cedar Ridge Campground
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340011
Status: Excess
Reasons: Extensive deterioration

Bldg.
Woodridge Park Area
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340012
Status: Excess

Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

8 Bldgs.
Tuttle Cove Park
Manhattan Co: Riley KS 66502
Landholding Agency: COE
Property Number: 31200410002
Status: Unutilized
Reasons: Extensive deterioration

2 Bldgs.
Old Garrison Campground
Pottawatomie KS
Landholding Agency: COE
Property Number: 31200410003
Status: Unutilized
Reasons: Extensive deterioration

2 Bldgs.
School Creek ORV Area
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200410004
Status: Excess
Reasons: Extensive deterioration

Bldg.
Slough Creek Park
Perry Co: Jefferson KS 66073
Landholding Agency: COE
Property Number: 31200410005
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldg.
Spillway Boat Ramp
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430008
Status: Excess
Reasons: Extensive deterioration

Bldg.
Minooka Park Area
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430009
Status: Excess
Reasons: Extensive deterioration

Bldg.
Lucas Park Area
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430010
Status: Excess
Reasons: Extensive deterioration

Bldg.
Sylvan Park Area
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430011
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldg.
North Outlet Area
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200430012
Status: Excess
Reasons:
Extensive deterioration

3 Vault Toilets
West Rolling Hills
Milford Lake
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200440003
Status: Excess
Reasons: Extensive deterioration

Vault Toilet
East Rolling Hills
Milford Lake
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200440004
Status: Excess
Reasons: Extensive deterioration

Bldgs. 25002, 35012
Lucas Park
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200510004
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldgs. 25006, 25038
Lucas Group Camp
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200510005
Status: Excess
Reasons: Extensive deterioration

Bldgs. L37, L38
Lucas Park
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200520005
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Mann's Cove PUA
Fall River Co: Greenwood KS 67047
Landholding Agency: COE
Property Number: 31200530002
Status: Excess
Reasons: Extensive deterioration

16 Bldgs.
Cottonwood Point
Marion KS
Landholding Agency: COE
Property Number: 31200530003
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

3 Bldgs.
Damsite PUA
Fall River Co: Greenwood KS 67047
Landholding Agency: COE
Property Number: 31200530004
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Damsite PUA
Fall River Co: Greenwood KS 6047
Landholding Agency: COE
Property Number: 31200530005
Status: Excess
Reasons: Extensive deterioration

Bldgs. L05, L06
Lucas Park Overlook
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200530006
Status: Excess
Reasons: Extensive deterioration

Bldg. 29442
Admin. Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610002
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldgs. 29475, 29476
Thompsonville Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610003
Status: Excess
Reasons: Extensive deterioration

Bldg. 39661
Old Town Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610004
Status: Excess
Reasons: Extensive deterioration

Bldg. 29455
Rock Creek Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610005
Status: Excess
Reasons: Extensive deterioration

Bldg. 29415
Longview Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610006
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldg. 29464
Slough Creek Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610007
Status: Excess
Reasons: Extensive deterioration

Bldgs. 35015, 35011
Minooka Park
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200620021
Status: Excess
Reasons: Extensive deterioration

Bldgs.
Canning Creek
Council Grove Co: Morris KS 66846
Landholding Agency: COE

Property Number: 31200620022
Status: Excess
Reasons: Extensive deterioration

4 Bldgs.
East Rolling Hills Park
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200630009
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Storage Bldg.
Perry Wildlife Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640005
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Old Town Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640006
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Sunset Ridge Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640007
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Perry Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640008
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Water Treatment Plant
Longview Park Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640009
Status: Excess
Reasons: Extensive deterioration

Shower
Longview Park Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640010
Status: Excess
Reasons: Extensive deterioration

Shower
Slough Creek Park Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640011
Status: Excess
Reasons: Extensive deterioration

Shower
Thompsonville Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640012
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldgs. 28370, 28373, 28298
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710006
Status: Excess
Reasons: Extensive deterioration

Bldg. 29773
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710007
Status: Excess
Reasons: Extensive deterioration

Bldgs. 29785, 29786, 29788
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710008
Status: Excess
Reasons: Extensive deterioration

Bldg. 39070
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710009
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kansas

Bldg.
South Outlet Park Area
Lawrence KS
Landholding Agency: COE
Property Number: 31200710010
Status: Excess
Reasons: Extensive deterioration

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008
Landholding Agency: COE
Property Number: 21199040416
Status: Unutilized
Reasons: Other—Spring House

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120010
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway
Reasons: Floodway

**Unsuitable Properties**

*Building*

Kentucky

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120011
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway
Reasons: Floodway

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120012
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway
Reasons: Floodway

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120013
Status: Unutilized
Reasons: Floodway

Tract 1379
Barkley Lake
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31200420001
Status: Unutilized
Reasons: Other—landlocked

**Unsuitable Properties**

*Building*

Kentucky

Tract 4300
Barkley Lake
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31200420002
Status: Unutilized
Reasons: Floodway

Tracts 317, 318, 319
Barkley Lake
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31200420003
Status: Unutilized
Reasons: Floodway

Comfort Station
Holmes Bend Access
Green River Lake
Adair KY
Landholding Agency: COE
Property Number: 31200440005
Status: Excess
Reasons: Extensive deterioration

Steel Structure
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440006
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

**Unsuitable Properties**

*Building*

Kentucky

Comfort Station
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440007
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

Shelter

Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440008
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

Parking Lot
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440009
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

Sewage Treatment Plant
Holmes Bend Recreation
Campbellsville KY 42718–9805
Landholding Agency: COE
Property Number: 31200510006
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Kentucky

Loading Docks
Nolin Lake
Bee Spring KY 42007
Landholding Agency: COE
Property Number: 31200540006
Status: Unutilized
Reasons: Extensive deterioration

Maine

Bldg. 425
Bangor IAP
Bangor ME 04401
Landholding Agency: Air Force
Property Number: 18200710007
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Missouri

Rec Office
Harry S. Truman Dam
Osceola Co: St. Clair MO 64776
Landholding Agency: COE
Property Number: 31200110001
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Missouri

Privy/Nemo Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120001
Status: Excess
Reasons: Extensive deterioration

Privy No. 1/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120002
Status: Excess
Reasons: Extensive deterioration

Privy No. 2/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120003
Status: Excess
Reasons: Extensive deterioration

#07004, 60006, 60007
Crabtree Cove/Stockton Area
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200220007
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Missouri

Bldg.
Old Mill Park Area
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200310007
Status: Excess
Reasons: Extensive deterioration

Stockton Lake Proj. Ofc.
Stockton Co: Cedar MO 65785
Landholding Agency: COE
Property Number: 31200330004
Status: Unutilized
Reasons: Extensive deterioration

House
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420005
Status: Unutilized
Reasons: Extensive deterioration

30x36 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420006
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Missouri

30x26 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420007
Status: Unutilized
Reasons: Extensive deterioration

30x10 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420008
Status: Unutilized
Reasons: Extensive deterioration

30x26 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420009
Status: Unutilized
Reasons: Extensive deterioration

9x9 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420010
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Missouri

Tract 1111
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420011
Status: Excess
Reasons: Extensive deterioration

Shower
Pomme de Terre Lake
Hermitage Co: Polk MO 65668
Landholding Agency: COE
Property Number: 31200420012
Status: Unutilized
Reasons: Extensive deterioration

11 Bldgs.
Warsaw MO 65355
Landholding Agency: COE
Property Number: 31200430013
Status: Excess
Directions: Fairfield, Tally Bend, Cooper Creek, Shawnee Bend
Reasons: Extensive deterioration

2 Storage Bldgs.
District Service Base
St. Louis MO
Landholding Agency: COE
Property Number: 31200430014
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Missouri

Privy
Pomme de Terre Lake
Wheatland Co: Hickory MO
Landholding Agency: COE
Property Number: 31200440010
Status: Underutilized
Reasons: Floodway

Vault Toilet
Ruark Bluff
Stockton MO
Landholding Agency: COE
Property Number: 31200440011
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Overlook Area
Stockton MO
Landholding Agency: COE
Property Number: 31200440012
Status: Excess
Reasons: Extensive deterioration

Maintenance Building
Missouri River Area
Napoleon Co: Lafayette MO 64074
Landholding Agency: COE
Property Number: 31200510007
Status: Excess
Reasons: Floodway

**Unsuitable Properties**

*Building*

Missouri

Bldg. 34001
Orleans Trail Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200510008
Status: Excess
Reasons: Extensive deterioration

Bldgs. 34016, 34017
Orleans Trail Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200510009
Status: Excess
Reasons: Extensive deterioration

Bldg.
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200610008
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 43841, 43919
Clearwater Project
Piedmont MO 63957
Landholding Agency: COE
Property Number: 31200630010
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Missouri

Dwelling
Harry S. Truman Project
Roscoe MO
Landholding Agency: COE
Property Number: 31200640013
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 50005
Ruark Bluff East
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200710011
Status: Excess
Reasons: Extensive deterioration

Bldg. 07002
Crabtree Cove Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200710012
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Riverlands Way Access
West Alton MO 63386
Landholding Agency: COE
Property Number: 31200710013
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Montana

Bldg. 1708
Malmstrom AFB
Cascade MT 59402
Landholding Agency: Air Force
Property Number: 18200610007
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 360
Malmstrom AFB
Cascade MT 59402
Landholding Agency: Air Force
Property Number: 18200640010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Nebraska

Vault Toilets
Harlan County Project
Republican NE 68971
Landholding Agency: COE
Property Number: 31200210006
Status: Unutilized
Reasons: Extensive deterioration

Patterson Treatment Plant
Harlan County Project
Republican NE 68971
Landholding Agency: COE
Property Number: 31200210007
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Nebraska

#30004
Harlan County Project
Republican Co: Harlan NE 68971
Landholding Agency: COE
Property Number: 31200220008
Status: Unutilized
Reasons: Extensive deterioration

#3005, 3006
Harlan County Project
Republican Co: Harlan NE 68971
Landholding Agency: COE
Property Number: 31200220009
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 70001, 70002
South Outlet Park
Republican City NE
Landholding Agency: COE
Property Number: 31200510010
Status: Excess
Reasons: Extensive deterioration

Bldgs. 40002, 40003, 40006
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610009
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Nebraska

Bldg. 40020
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610010
Status: Excess
Reasons: Extensive deterioration

4 Bldgs.
43004, 43007, 43008, 43009
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610011
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610012
Status: Excess
Directions: 50003, 50004, 50005, 50006, 50007, 50008
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

New Mexico

Bldgs. 15000, 15010, 15020
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630009
Status: Unutilized
Reasons: Secured Area

Bldgs. 15030, 15040, 15060
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630010
Status: Unutilized
Reasons: Secured Area

Bldgs. 15070, 15080, 15090
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630011
Status: Unutilized
Reasons: Secured Area

Bldgs. 00, 10, 20
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630012
Status: Unutilized
Reasons: Secured Area 95

**Unsuitable Properties**

*Building*

New Mexico

Bldgs. 30, 40, 60
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630013
Status: Unutilized
Reasons: Secured Area

Bldgs. 70, 80, 90
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630014
Status: Unutilized
Reasons: Secured Area

Bldgs. 15200, 15210, 15220
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630015
Status: Unutilized
Reasons: Secured Area

Bldgs. 15230, 15240, 15250
Cannon AFB
Curry NM 88101
Landholding Agency: Air Force

Property Number: 18200630016
Status: Unutilized
Reasons: Secured Area

**Unsuitable Properties**

*Building*

New Mexico

4 Bldgs.
Cannon AFB 15260, 15270, 15280, 15290
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630017
Status: Unutilized
Reasons: Secured Area

4 Bldgs.
Cannon AFB 15300, 15310, 15320, 15330
Curry NM 88101
Landholding Agency: Air Force
Property Number: 18200630018
Status: Unutilized
Reasons: Secured Area

Bldg. 1910
Kirtland AFB
Bernalillo NM 87117
Landholding Agency: Air Force
Property Number: 18200640011
Status: Unutilized
Reasons: Secured Area

**Unsuitable Properties**

*Building*

New York

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31199630007
Status: Unutilized
Reasons: Extensive deterioration

North Carolina

Bldg. FAL–19090
Falls Lake
Raleigh NC
Landholding Agency: COE
Property Number: 31200620023
Status: Unutilized
Reasons: Extensive deterioration

Preston Clark USARC
1301 N. Memorial Dr.
Greenville Co: Pitt NC 27834
Landholding Agency: COE
Property Number: 31200620032
Status: Unutilized
Reasons: Extensive deterioration 30 Bldgs.

W. Kerr Scott Project
Wilkesboro NC
Landholding Agency: COE
Property Number: 31200710014
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

North Dakota

8 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640012
Status: Unutilized
Directions: 6102, 6105, 6106, 6108, 6202, 6205, 6207, 6208
Reasons: Within 2000 ft. of flammable or explosive material 6 Bldgs.

Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640013
Status: Unutilized
Directions: 6103, 6104, 6107, 6109, 6204, 6206
Reasons: Within 2000 ft. of flammable or explosive material

Bldg. 1828
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material,
Within airport runway clear zone,
Secured Area

**Unsuitable Properties**

*Building*

North Dakota

Bldg. 1329
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640015
Status: Unutilized
Reasons: Within airport runway clear zone, Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 1330, 1830
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640016
Status: Unutilized
Reasons: Secured Area, Within airport runway clear zone, Within 2000 ft. of flammable or explosive material

5 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640017
Status: Unutilized
Directions: 1202, 1212, 1216, 1219, 1223
Reasons: Within airport runway clear zone, Secured Area, Within 2000 ft. of flammable or explosive material

**Unsuitable Properties**

*Building*

North Dakota

8 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640018
Status: Unutilized
Directions: 1204, 1206, 1210, 1213, 1214, 1215, 1217, 1221
Reasons: Within airport runway clear zone, Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640019
Status: Unutilized
Directions: 1381, 1371, 1378, 1358, 1349
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 1211
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

**Unsuitable Properties**

*Building*

North Dakota

22 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

13 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldgs. 1326, 1328, 1826
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640023
Status: Unutilized
Reasons: Within airport runway clear zone, Within 2000 ft. of flammable or explosive material, Secured Area

**Unsuitable Properties**

*Building*

North Dakota

Bldg. 1324
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 1411
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640025
Status: Unutilized
Reasons: Within airport runway clear zone, Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs.
Grand Forks
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640026
Status: Unutilized
Directions: 1222, 6, 1203, 1207, 2

Reasons: Secured Area, Within airport runway clear zone, Within 2000 ft. of flammable or explosive material

**Unsuitable Properties**

*Building*

North Dakota

Bldg. 1325
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

11 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640028
Status: Unutilized
Reasons: Within airport runway clear zone, Within 2000 ft. of flammable or explosive material, Secured Area

18 Bldgs.
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640029
Status: Unutilized
Reasons: Within airport runway clear zone, Within 2000 ft. of flammable or explosive material, Secured Area

**Unsuitable Properties**

*Building*

North Dakota

Bldg. 1520
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640030
Status: Unutilized
Reasons: Within airport runway clear zone, Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1228
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 1849
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

**Unsuitable Properties**

*Building*

North Dakota

Bldg. 1813
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640033
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1839
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640034
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 1809
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200640035
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

**Unsuitable Properties**

*Building*

Ohio

House
C.J. Brown Lake
Springfield OH
Landholding Agency: COE
Property Number: 31200620024
Status: Unutilized
Reasons: Extensive deterioration

Oklahoma

Comfort Station
LeFlore Landing PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240008
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Braden Bend PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240009
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Salt Creek Cove
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240010
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

Water Treatment Plant
Wilson Point
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240011
Status: Excess
Reasons: Extensive deterioration

2 Comfort Stations
Landing PUA/Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240012
Status: Excess
Reasons: Extensive deterioration

Filter Plant/Pumphouse
South PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240013
Status: Excess
Reasons: Extensive deterioration

Filter Plant/Pumphouse
North PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240014
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

Filter Plant/Pumphouse
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240015
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240016
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Brooken Cove PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240017
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Outlet Channel/Walker Creek
Waurika OK 73573–0029
Landholding Agency: COE
Property Number: 31200340013
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

2 Bldgs.
Damsite South
Stigler OK 74462–9440
Landholding Agency: COE
Property Number: 31200340014
Status: Excess
Reasons: Extensive deterioration

19 Bldgs.
Kaw Lake
Ponca City OK 74601–9962
Landholding Agency: COE
Property Number: 31200340015
Status: Excess
Reasons: Extensive deterioration

30 Bldgs.
Keystone Lake
Sand Springs OK 74063–9338
Landholding Agency: COE
Property Number: 31200340016
Status: Excess
Reasons: Extensive deterioration

13 Bldgs.
Oologah Lake
Oologah OK 74053–0700
Landholding Agency: COE
Property Number: 31200340017
Status: Excess

Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

14 Bldgs.
Pine Creek Lake
Valliant OK 74764–9801
Landholding Agency: COE
Property Number: 31200340018
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Sardis Lake
Clayton OK 74536–9729
Landholding Agency: COE
Property Number: 31200340019
Status: Excess
Reasons: Extensive deterioration

24 Bldgs.
Skiatook Lake
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340020
Status: Excess
Reasons: Extensive deterioration

40 Bldgs.
Eufaula Lake
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340021
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

2 Bldgs.
Holiday Cove
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340022
Status: Excess
Reasons: Extensive deterioration

18 Bldgs.
Fort Gibson
Ft. Gibson Co: Wagoner OK 74434–0370
Landholding Agency: COE
Property Number: 31200340023
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Fort Supply
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340024
Status: Excess
Reasons: Extensive deterioration

Game Bird House
Fort Supply Lake
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340025
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

11 Bldgs.
Hugo Lake
Sawyer OK 74756–0099
Landholding Agency: COE
Property Number: 31200340026
Status: Excess
Reasons: Extensive deterioration

5 Bldgs.
Birch Cove/Twin Cove
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340027
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Fairview Group Camp
Canton OK 73724–0069
Landholding Agency: COE
Property Number: 31200340028
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Chouteau Bluff
Gore Co: Wagoner OK 74935–9404
Landholding Agency: COE
Property Number: 31200340029
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

2 Bldgs.
Newt Graham L
Gore OK 74935–9404
Landholding Agency: COE
Property Number: 31200340030
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Damsite/Fisherman's Landing
Sallisaw OK 74955–9445
Landholding Agency: COE
Property Number: 31200340031
Status: Excess
Reasons: Extensive deterioration

10 Bldgs.
Webbers Falls Lake
Gore OK 74435–5541
Landholding Agency: COE
Property Number: 31200340032
Status: Excess
Reasons: Extensive deterioration

14 Bldgs.
Copan Lake
Copan OK 74022–9762
Landholding Agency: COE
Property Number: 31200340033
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

Bldg.
Lower Storage Yard
Skiatook Co: Osage OK 74070
Landholding Agency: COE
Property Number: 31200530007
Status: Excess
Reasons: Extensive deterioration

3 Bldgs.
Birch Cove PUA
Skiatook Co: Osage OK 74070
Landholding Agency: COE
Property Number: 31200530008
Status: Excess
Reasons: Extensive deterioration

Bldg.
Canadian Public Use Area
Canton Co: Blaine OK 73724
Landholding Agency: COE
Property Number: 31200530009
Status: Excess
Reasons: Extensive deterioration

3 Bldgs.
Porum Landing PUA
Stigler Co: McIntosh OK 74462
Landholding Agency: COE
Property Number: 31200530010
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

2 Bldgs.
Taylor Ferry
Ft. Gibson Co: Wagoner OK 74434
Landholding Agency: COE
Property Number: 31200530011
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Bluff/Afton Landing
Ft. Gibson Co: Wagoner OK 74434
Landholding Agency: COE
Property Number: 31200530012
Status: Excess
Reasons: Extensive deterioration

Bldg.
Lake Office
Ft. Supply Co: Woodward OK 73841
Landholding Agency: COE
Property Number: 31200530013
Status: Excess
Reasons: Extensive deterioration

4 Bldgs.
Overlook PUA
Ft. Supply Co: Texas OK 73841
Landholding Agency: COE
Property Number: 31200530014
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

Bldg.
Hugo Lake
Sawyer Co: Chocktaw OK 74756
Landholding Agency: COE
Property Number: 31200530015
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Sarge Creek PUA
Ponca City Co: Kay OK 74601
Landholding Agency: COE
Property Number: 31200530016
Status: Excess
Reasons: Extensive deterioration

5 Bldgs.
Hawthorne Bluff
Oologah Co: Rogers OK 74053
Landholding Agency: COE
Property Number: 31200530017
Status: Excess
Reasons: Extensive deterioration

12 Bldgs.

Trout Stream PUAs
Gore Co: Sequoyah OK 74435
Landholding Agency: COE
Property Number: 31200530018
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

14 Bldgs.
Chicken Creek PUAs
Gore Co: Cherokee OK 74435
Landholding Agency: COE
Property Number: 31200530019
Status: Excess
Reasons: Extensive deterioration

4 Bldgs.
Snake Creek Area
Gore Co: Sequoyah OK 74435
Landholding Agency: COE
Property Number: 31200530020
Status: Excess
Reasons: Extensive deterioration

3 Bldgs.
Brewer's Bend
Gore Co: Muskogee OK 74435
Landholding Agency: COE
Property Number: 31200530021
Status: Excess
Reasons: Extensive deterioration

Facility
Hulah Lake
Copan Co: Osage OK 74022
Landholding Agency: COE
Property Number: 31200620025
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

Bldg.
Webbers Falls
Muskogee OK 74435
Landholding Agency: COE
Property Number: 31200620026
Status: Excess
Reasons: Extensive deterioration

24 Bldgs.
Hulah Lake
Copan OK
Landholding Agency: COE
Property Number: 31200630011
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 44760, 44707
Canton Lake
Canton OK 73724
Landholding Agency: COE
Property Number: 31200630012
Status: Unutilized
Reasons: Extensive deterioration

Bldg.
Skiatook Lake
Skiatook OK 74070
Landholding Agency: COE
Property Number: 31200630013
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

Bldgs. 41995, 56445, 41996
WD Mayo Lock
Spiro OK 74959
Landholding Agency: COE
Property Number: 31200630014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 43263, 42364
Oologah Lake
Oologah OK 74053
Landholding Agency: COE
Property Number: 31200630015
Status: Unutilized
Reasons: Extensive deterioration

Bldg.
Webbers Falls Lake
Webbers Falls OK
Landholding Agency: COE
Property Number: 31200630016
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 43523, 43820
Hugo Lake
Sawyer OK 74756
Landholding Agency: COE
Property Number: 31200630017
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

Bldg.
Newt Graham Lock 18
Inola OK
Landholding Agency: COE
Property Number: 31200640014
Status: Unutilized
Reasons: Extensive deterioration

Bldg.
Kerr Lock 15
Sallisaw OK 74955
Landholding Agency: COE
Property Number: 31200640015
Status: Unutilized
Reasons: Extensive deterioration

4 Bldgs.
Gore OK 74435
Landholding Agency: COE
Property Number: 31200640016
Status: Unutilized
Directions: Afton Landing or Bluff Landing
Reasons: Extensive deterioration

Pinecr-58321
Pine Creek Lake
Valiant OK
Landholding Agency: COE
Property Number: 31200710015
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Oklahoma

KAW—58649
Garrett's Landing
Kaw City OK
Landholding Agency: COE
Property Number: 31200710016
Status: Unutilized
Reasons: Extensive deterioration

Compound
Hugo Lake
Hugo OK
Landholding Agency: COE
Property Number: 31200710017
Status: Unutilized
Reasons: Extensive deterioration

Oregon
2 Floating Docks
Rogue River
Gold Beach Co: Curry OR 97444
Landholding Agency: COE
Property Number: 31200430015
Status: Excess
Reasons: Floodway

2 Trailers
John Day Project
#1 West Marine Drive
Boardman Co: Morrow OR 97818
Landholding Agency: COE
Property Number: 31200510012
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

South Carolina

Bldg. JST–18669
Strom Thurmond Project
McCormick SC
Landholding Agency: COE
Property Number: 31200710018
Status: Unutilized
Reasons: Extensive deterioration

South Dakota

Mobile Home
Tract L–1295
Oahe Dam
Potter SD 00000
Landholding Agency: COE
Property Number: 31200030001
Status: Excess
Reasons: Extensive deterioration

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011499
Status: Unutilized
Directions: US Highway 85
Reasons: Floodway

**Unsuitable Properties**

*Building*

Tennessee

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011503
Status: Underutilized
Directions: TN Highway 135
Reasons: Floodway

Water Treatment Plant
Dale Hollow Lake Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351

Landholding Agency: COE
Property Number: 31199140011
Status: Excess
Reasons: Other—water treatment plant

Water Treatment Plant
Dale Hollow Lake Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140012
Status: Excess
Reasons: Other—water treatment plant

**Unsuitable Properties**

*Building*

Tennessee

Water Treatment Plant
Dale Hollow Lake Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140013
Status: Excess
Reasons: Other—water treatment plant

Comfort Station/Land
Cook Campground
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31200420024
Status: Unutilized
Reasons: Floodway

Tracts 915, 920, 931C–1
Cordell Hull Dam/Reservoir
Cathage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31200430016
Status: Unutilized
Reasons: Other—landlocked, Floodway

Residence #5
5050 Dale Hollow Dam Rd.
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31200540010
Status: Unutilized
Reasons: Other—landlocked

**Unsuitable Properties**

*Building*

Tennessee

Bldg.
Dale Hollow Lake Dam
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31200610013
Status: Unutilized
Reasons: Extensive deterioration

Texas

Comfort Station
Overlook PUA
Powderly Co: Lamar TX 75473–9801
Landholding Agency: COE
Property Number: 31200240018
Status: Excess
Reasons: Extensive deterioration

58 Bldgs.
Texoma Lake
Denison TX 75020–6425
Landholding Agency: COE
Property Number: 31200340035
Status: Excess
Reasons: Extensive deterioration

Bldg.
West Burns Run Park
Denison Co: Grayson TX 75020
Landholding Agency: COE
Property Number: 31200530022
Status: Excess
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Texas

Bldg. 28
Texoma Lake
Denison TX
Landholding Agency: COE
Property Number: 31200630020
Status: Unutilized
Reasons: Extensive deterioration

Vermont

Bldg. 110
Burlington IAP
Chittenden VT 05403
Landholding Agency: Air Force
Property Number: 18200710008
Status: Unutilized
Reasons: Secured Area, within 2000 ft. of flammable or explosive material

Virginia

PHL–188855, 16498, 16693
Mize Point Campground
Bassett VA 24055
Landholding Agency: COE
Property Number: 31200510014
Status: Unutilized
Reasons: Extensive deterioration

**Unsuitable Properties**

*Building*

Washington

4 Facilities
Fairchild AFB
Pines Military Housing
Spokane WA 99011
Landholding Agency: Air Force
Property Number: 18200710009
Status: Unutilized
Directions: 8565, 8569, 8577, 8581
Reasons: Secured Area

6 Facilities
Fairchild AFB
Pines Military Housing
Spokane WA 99011
Landholding Agency: Air Force
Property Number: 18200710010
Status: Unutilized
Directions: 8630, 8634, 8638, 8639, 8640, 8644
Reasons: Secured Area

6 Facilities
Fairchild AFB
Pines Military Housing
Spokane WA 99011
Landholding Agency: Air Force
Property Number: 18200710011
Status: Unutilized
Directions: 8571, 8575, 8583, 8587, 8692, 8696
Reasons: Secured Area

**Unsuitable Properties**

*Building*

Washington

6 Facilities
Fairchild AFB
Pines Military Housing
Spokane WA 99011
Landholding Agency: Air Force
Property Number: 18200710012
Status: Unutilized
Directions: 8618, 8622, 8624, 8625, 8628, 8629
Reasons: Secured Area

Facilities 8637, 8632
Fairchild AFB
Pines Military Housing
Spokane WA 99011
Landholding Agency: Air Force
Property Number: 18200710013
Status: Unutilized
Reasons: Secured Area

10 Facilities
Fairchild AFB
Pines Military Housing
Spokane WA 99011
Landholding Agency: Air Force
Property Number: 18200710014
Status: Unutilized
Directions: 8620, 8626, 8627, 8636, 8642, 8694, 8567, 8573, 8579, 8585
Reasons: Secured Area

**Unsuitable Properties**

*Building*

Washington

Rec Storage Bldg.
Richland Parks
Richland Co: Benton WA 99352
Landholding Agency: COE
Property Number: 31200240019
Status: Unutilized
Reasons: Extensive deterioration

Railroad Club Bldg.
McNary Lock Proj
Richland Co: Benton WA 99352
Landholding Agency: COE
Property Number: 31200410006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

Bldgs. 437, 853
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710018
Status: Unutilized
Reasons: Secured Area

Bldg. 1039
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

**Unsuitable Properties**

*Building*

Washington

Bldgs. 1400, 1461
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6026

Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710021
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldgs. 6608, 6609, 6904
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710022
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

**Unsuitable Properties**

*Building*

West Virginia

CELRH–OR–BLN
Hinton WV 25951
Landholding Agency: COE
Property Number: 31200640020
Status: Unutilized
Reasons: Secured Area

*Land*

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010030
Status: Underutilized
Directions: 14 miles from U.S. Highway 68
Reasons: Floodway

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519
Landholding Agency: COE
Property Number: 31199010038
Status: Underutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

Kentucky

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519
Landholding Agency: COE
Property Number: 31199010039
Status: Underutilized
Reasons: Floodway

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199010043
Status: Excess
Directions: US Highway 62 to state highway 93
Reasons: Floodway

Red River Lake Project
Stanton Co: Powell KY 40380
Landholding Agency:
COE
Property Number: 31199011684
Status: Unutilized
Directions: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Reasons: Floodway

**Unsuitable Properties**

*Land*

Kentucky

Barren River Lock No. 1
Richardsville Co: Warren KY 42270
Landholding Agency: COE
Property Number: 31199120008
Status: Unutilized
Reasons: Floodway

Green River Lock No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120009
Status: Unutilized
Directions: Off State Hwy. 369, which runs off of Western Ky. Parkway
Reasons: Floodway

Green River Lock No. 4
Woodbury Co: Butler KY 42288
Landholding Agency: COE
Property Number: 31199120014
Status: Underutilized
Directions: Off State Hwy 403, which is off State Hwy 231
Reasons: Floodway

Green River Lock No. 5
Readville Co: Butler KY 42275
Landholding Agency: COE
Property Number: 31199120015
Status: Unutilized
Directions: Off State Highway 185
Reasons: Floodway

**Unsuitable Properties**

*Land*

Kentucky

Green River Lock No. 6
Brownsville Co: Edmonson KY 42210
Landholding Agency: COE
Property Number: 31199120016
Status: Underutilized
Directions: Off State Highway 259
Reasons: Floodway, Vacant land west of locksite

Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144
Landholding Agency: COE
Property Number: 31199120017
Status: Unutilized
Reasons: Floodway

Maryland

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 31199240007
Status: Underutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011018
Status: Underutilized
Reasons: Within airport runway clear zone

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden
null Co: Dunklin MO
Landholding Agency: COE
Property Number: 31199130001
Status: Unutilized
Reasons: Floodway

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440007
Status: Underutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

Ohio

Mosquito Creek Lake
Housel—Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440008
Status: Underutilized
Reasons: Floodway

36 Site Campground
German Church Campground
Berlin Center Co: Portage OH 44401–9707
Landholding Agency: COE
Property Number: 31199810001
Status: Unutilized
Reasons: Floodway

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Landholding Agency: COE
Property Number: 31199011564
Status: Unutilized
Directions: Left hand side of entrance roadway to project
Reasons: Floodway

Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154
Landholding Agency: COE
Property Number: 31199810002
Status: Unutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

Pennsylvania

Tract No. B–212C
Upstream from Gen. Jadwin Dam
Honesdale Co: Wayne PA 18431
Landholding Agency: COE
Property Number: 31200020005
Status: Unutilized
Reasons: Floodway

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562

Landholding Agency: COE
Property Number: 21199040413
Status: Underutilized
Directions: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Reasons: Floodway

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 21199040415
Status: Underutilized
Directions: Tracts E–513, E–512–1 and E–512–2
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010935
Status: Excess
Directions: South of Old Jefferson Pike
Reasons: Other—landlocked

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199011478
Status: Underutilized
Directions: U.S. Highway 79/TN Highway 761
Reasons: Floodway

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011479
Status: Excess
Directions: Big Bottom Road
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199011480
Status: Unutilized
Directions: TN Highway 52
Reasons: Floodway

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199011481
Status: Unutilized
Directions: TN Highway 53
Reasons: Floodway

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011482
Status: Underutilized
Directions: Sullivan Bend Road
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011484
Status: Underutilized
Directions: Whites Bend Road
Reasons: Floodway

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551
Landholding Agency: COE
Property Number: 31199011485
Status: Underutilized
Directions: TN Highway 85
Reasons: Floodway

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011486
Status: Unutilized
Directions: TN Highway 85
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551
Landholding Agency: COE
Property Number: 31199011487
Status: Unutilized
Directions: Big Bottom Road
Reasons: Floodway

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011488
Status: Underutilized
Directions: Big Bottom Road
Reasons: Within airport runway clear zone, Floodway

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011489
Status: Unutilized
Directions: Sullivan Bend Road
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011490
Status: Unutilized
Directions: TN Highway 85
Reasons: Floodway

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011491
Status: Unutilized
Directions: Brooks Ferry Road
Reasons: Floodway

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011492
Status: Unutilized
Directions: Sullivan Bend Road
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31199011493
Status: Underutilized
Directions: Interstate 40 to S. Mount Juliet Road.
Reasons: Floodway

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011494
Status: Underutilized
Directions: Florence Road near Enon Springs Road
Reasons: Floodway

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011495
Status: Underutilized
Directions: Lamon Road
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011496
Status: Underutilized
Directions: Jones Mill Road
Reasons: Floodway

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31199011497

Status: Underutilized
Directions: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Reasons: Floodway

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011498
Status: Unutilized
Directions: US Highway 85
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011500
Status: Unutilized
Directions: Sugar Creek Road
Reasons: Floodway

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564
Landholding Agency: COE
Property Number: 31199011501
Status: Unutilized
Reasons: Floodway

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011502
Status: Unutilized
Directions: TN Highway 53
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tract 104 et al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011504
Status: Underutilized
Directions: Highway 70 N
Reasons: Floodway

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087
Landholding Agency: COE
Property Number: 31199120007
Status: Underutilized
Directions: Vivrett Creek Launching Area, Alvin Sperry Road
Reasons: Floodway

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138
Landholding Agency: COE
Property Number: 31199130008
Status: Underutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

Tennessee

Tract D, 7 acres
Cheatham Lock
Nashville Co: Davidson TN 37207
Landholding Agency: COE
Property Number: 31200020006
Status: Underutilized
Reasons: Floodway

Tract F–608
Cheatham Lock
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31200420021
Status: Unutilized
Reasons: Floodway

Tracts G702–G706
Cheatham Lock
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31200420022
Status: Unutilized
Reasons: Floodway

6 Tracts
Shutes Branch Campground
Lakewood Co: Wilson TN
Landholding Agency: COE
Property Number: 31200420023
Status: Unutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

Texas

Tracts 104, 105–1, 105–2
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010397
Status: Underutilized
Reasons: Floodway

Part of Tract 201–3
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010398
Status: Underutilized
Reasons: Floodway

Part of Tract 323
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010399
Status: Underutilized
Reasons: Floodway

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010401
Status: Unutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

Texas

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010402
Status: Unutilized
Reasons: Floodway

Washington

2.8 acres
Tract P–1003
Kennewick Co: Benton WA 99336
Landholding Agency: COE
Property Number: 31200240020
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

West Virginia

Morgantown Lock and Dam
Box 3 RD # 2
Morgantown Co: Monongahelia WV 26505
Landholding Agency: COE
Property Number: 31199011530
Status: Unutilized
Reasons: Floodway

**Unsuitable Properties**

*Land*

West Virginia

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126
Landholding Agency: COE
Property Number: 31199011690
Status: Unutilized
Directions: 20 miles east of Charleston, W. Virginia.
Reasons: Other—.03 acres; very narrow strip of land

Portion of Tract #101
Buckeye Creek
Sutton Co: Braxton WV 26601
Landholding Agency: COE
Property Number: 31199810006
Status: Excess
Reasons: Other—inaccessible

Summary for Unsuitable Properties = Total number of Properties 1226

[FR Doc. E7–2490 Filed 2–15–07; 8:45 am]

BILLING CODE 4210–67–P

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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**International Trade Administration**

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## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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**H.R. 188/P.L. 110–3**

To provide a new effective date for the applicability of certain provisions of law to Public Law 105-331. (Feb. 8, 2007; 121 Stat. 6)

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