Federal Register

3–7–07 Wednesday
Vol. 72 No. 44 Mar. 7, 2007

Pages 10033–10338

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.archives.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** *www.gpoaccess.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 72 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.

2. The relationship between the Federal Register and Code of Federal Regulations.

3. The important elements of typical Federal Register documents.

4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, March 13, 2007
9:00 a.m.–Noon

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

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

Contents

Federal Register

Vol. 72, No. 44

Wednesday, March 7, 2007

Agricultural Marketing Service
RULES
Processed fruits, vegetables, and other processed products; inspection and certification fees, 10035–10038
PROPOSED RULES
Olives grown in California, 10091–10093
NOTICES
Meetings:
Plant Variety Protection Board, 10112

Agricultural Research Service
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Accent Engineering, Inc., 10112
Hepalife Technologies, Inc., 10112–10113

Agriculture Department
See Agricultural Marketing Service
See Agricultural Research Service
See Federal Crop Insurance Corporation
See Food Safety and Inspection Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration

Air Force Department
NOTICES
Privacy Act; systems of records, 10183–10185

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10216–10220

Children and Families Administration
NOTICES
Organization, functions, and authority delegations:
Head Start Office, Director
Republication, 10220

Commerce Department
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Customs and Border Protection Bureau
NOTICES
Customs broker license cancellation, suspension, etc., 10236–10237

Defense Department
See Air Force Department
See Navy Department
NOTICES
Arms sales notification; transmittal letter, etc., 10173–10178
Federal Acquisition Regulation (FAR):
Agency information collection activities; proposals, submissions, and approvals, 10178–10179
Meetings:
Missile Defense Advisory Committee, 10179
Uniform Formulary Beneficiary Advisory Panel, 10179–10180
Privacy Act; systems of records, 10180–10183

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Elementary and secondary education—
Early Reading First Program, 10190–10191

Employee Benefits Security Administration
RULES
Employee Retirement Income Security Act:
Domestic relations orders; time and order of issuance, 10070–10074

Energy Department
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission

Energy Efficiency and Renewable Energy Office
RULES
Energy conservation:
Commercial and industrial equipment; energy efficiency program—
Commercial heating, air-conditioning, and water heating equipment standards, 10038–10049

Environmental Protection Agency
RULES
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Polymer of 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes, 10074–10077
Superfund program:
National oil and hazardous substances contingency plan priorities list, 10078–10084
PROPOSED RULES
Superfund program:
National oil and hazardous substances contingency plan priorities list, 10105–10111
NOTICES
Meetings:
Sound Management of Chemicals Working Group; stakeholder meeting, 10209–10210
Pesticide registration, cancellation, etc.:
AgroGreen, 10210–10211
Pesticides, experimental use permits, etc.:
Cerexagri, Inc., 10211–10212

Executive Office of the President
See Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness directives:
Airbus, 10057–10059
Cessna, 10049–10052
General Electric Co., 10054–10057
Reims Aviation S.A., 10052–10054
Class E airspace, 10059

PROPOSED RULES
Airworthiness directives:
Empresa Brasileira de Aeronautica S.A. (EMBRAER), 10093–10095
NOTICES
Aeronautical land-use assurance; waivers:
Laurinburg-Maxton Airport; NC, 10291–10292
Grants and cooperative agreements; availability, etc.:
Airport Improvement Program, 10292
Reports and guidance documents; availability, etc.:
Advisory circulars; other policy documents, and proposed technical standard orders; availability on agency Web site, 10292

Federal Communications Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10212–10214
Common carrier services:
Interstate Telecommunications Relay Service Fund; video relay service provider eligibility certifications—
Hands On Video Relay Services, Inc., 10214–10215

Federal Crop Insurance Corporation
NOTICES
Grants and cooperative agreements; availability, etc.:
Commodity Partnerships for Risk Management Education Program, 10113–10121
Commodity Partnerships Small Sessions Program, 10121–10128
Crop Insurance Education in Targeted States Program, 10128–10135

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Louisiana, 10237
New York, 10237–10238
Oregon, 10238
Pennsylvania, 10238–10239

Federal Energy Regulatory Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10191–10193
Complaints filed:
Californians for Renewable Energy, Inc., 10201
Maine Public Utilities Commission, 10201–10202
Electric rate and corporate regulation combined filings, 10202–10204
Environmental statements; availability, etc.:
California Department of Water Resources, 10204–10205
Idaho Power Co., 10205
Hydroelectric applications, 10205–10207
Meetings:
Verdant Power, Inc.; scoping meetings and site visit, 10207–10208
Wholesale power markets competition; conference, 10208–10209
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 10193
ANR Storage Co., 10193
Bonneville Power Administration, 10193–10194
California Independent System Operator Corp., 10194
Columbia Gas Transmission Corp., 10194
DTE Pontiac North, LLC, 10194–10195
Enbridge Pipelines (KPC), 10195
Entergy Services, Inc., 10195–10196
Honeoye Storage Corp., 10196
Mojave Pipeline Co., 10196
National Fuel Gas Supply Corp., 10196–10197
Nevada Power Co., 10197
North American Electric Reliability Corp., 10197
North Baja Pipeline, LLC, 10198
Northern Border Pipeline Co., 10198–10199
Northern Natural Gas Co., 10199
Northwest Pipeline Corp., 10199
Petal Gas Storage, L.L.C, 10199–10200
Southern Company Services, Inc., 10200
Southern Star Central Gas Pipeline, Inc, 10200–10201

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Hardeman County, TN, 10292–10293

Federal Motor Carrier Safety Administration
NOTICES
Meetings; Sunshine Act, 10293

Federal Railroad Administration
RULES
Practice and procedure:
Direct final rulemaking procedures; expedited processing of noncontroversial changes, 10086–10088

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 10215–10216
Formations, acquisitions, and mergers, 10216

Fish and Wildlife Service
NOTICES
Endangered and threatened species:
Incidental take permits—
Bastrop County, TX; Houston toad, 10240–10241

Food and Drug Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10220–10224
Reports and guidance documents; availability, etc.:
Drug safety information; FDA communication to the public, 10224–10225

Food Safety and Inspection Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10135–10136

Forest Service
RULES
Oil and gas operations:
Onshore Federal and Indian oil and gas leases; approval of operations (Order No.1), 10308–10338
NOTICES
Environmental statements; notice of intent:
Fremont-Winema National Forests, OR, 10136–10137
Meetings:
Resource Advisory Committees—
Pacific Northwest, 10137–10138

General Services Administration
RULES
Federal Management Regulation:
Personal property disposition, 10084–10086

NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities; proposals, submissions, and approvals, 10178–10179

Grain Inspection, Packers and Stockyards Administration
NOTICES
Agency designation actions:
Various States, 10138–10140
Packers and Stockyard Act:
Reparation awards; interest calculation methodology, 10140–10141

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10225–10227
National Practitioner Data Bank:
Proactive Disclosure Service Prototype; implementation, 10227–10228

Homeland Security Department
See Customs and Border Protection Bureau
See Federal Emergency Management Agency
See U.S. Citizenship and Immigration Services

Industry and Security Bureau
NOTICES
Meetings:
Deemed Export Advisory Committee, 10141

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See National Park Service
See Reclamation Bureau

Internal Revenue Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10296–10301
Meetings:
Art Advisory Panel, 10301

International Trade Administration
NOTICES
Antidumping:
Folding metal tables and chairs from—
China, 10141–10142
Forged stainless steel flanges from—
India, 10142–10148
Freshwater crawfish tail meat from—
China, 10148–10150
Honey from—
Argentina and China, 10150–10151
Stainless steel bar from—
India, 10151–10158
Wooden bedroom furniture from—
China, 10158–10163
Countervailing duties:
Cut-to-length carbon-quality steel plate from—
Korea, 10163–10169

International Trade Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10257
Import investigations:
Pure magnesium from—
China, 10258

Judicial Conference of the United States
NOTICES
Meetings:
Judicial Conference Advisory Committee on—
Appellate Procedure Rules, 10258
Bankruptcy Procedure Rules, 10259
Civil Procedure Rules, 10258
Criminal Procedure Rules, 10258
Evidence Rules, 10258
Practice and Procedure Rules, 10258–10259

Justice Department
See Justice Programs Office
RULES
Organization, functions, and authority delegations:
National Security Division, 10064–10070

Justice Programs Office
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10259

Labor Department
See Employee Benefits Security Administration
See Occupational Safety and Health Administration

Land Management Bureau
RULES
Oil and gas operations:
Onshore Federal and Indian oil and gas leases; approval of operations (Order No.1), 10308–10338
NOTICES
Environmental statements; notice of intent:
Leeville Project, Elko County, NV, 10241
South Operations Area Project, Elko County, NV, 10241–10242
Meetings:
McInnis Canyons National Conservation Area Advisory Council, 10242
Oil and gas leases:
Wyoming, 10242–10243
Resource management plans, etc.:
Uncompahgre Basin and San Juan / San Miguel, CO; temporary travel management plan, 10243
Withdrawal and reservation of lands:
Colorado, 10243–10244

Minerals Management Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10244–10255

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities; proposals, submissions, and approvals, 10178–10179

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Hankook Tire Co., Ltd., 10293–10295

National Institutes of Health
NOTICES
Inventions, Government-owned; availability for licensing, 10228–10229
Meetings:
National Cancer Institute, 10230
National Center for Complementary and Alternative Medicine, 10230
National Center on Minority Health and Health Disparities, 10230–10231
National Eye Institute, 10231
National Human Genome Research Institute, 10231
National Institute of Allergy and Infectious Diseases, 10231–10234
National Institute of Child Health and Human Development, 10232–10233
National Institute of General Medical Sciences, 10234
National Institute of Mental Health, 10231–10233
Research on Women's Health Advisory Committee, 10229–10230
Scientific Review Center, 10234–10236

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Caribbean, Gulf, and South Atlantic fisheries–
King mackerel, 10089–10090
Gulf of Mexico reef fish; delay of effective date, 10088–10089
Western Pacific fisheries—
Sea turtles protection; Hawaii-based shallow-set longline fishery 7-day delay; correction, 10090
NOTICES
Endangered and threatened species:
Anadromous fish take—
Santa Clara Valley Water District; Central California Coast coho salmon and steelhead and South-Central California coast steelhead, 10169
Marine mammal permit applications, determinations, etc.:, 10169–10171
Meetings:
Gulf of Mexico Fishery Management Council, 10171–10172

National Park Service
NOTICES
Concession contracts and permits:
Expiring contracts; extension, 10255–10256
Environmental statements; availability, etc.:
Lake Mead National Recreation Area, NV; Clean Water Coalition Systems Conveyance and Operations Program, 10256–10257

National Science Foundation
NOTICES
Antarctic Conservation Act of 1978; permit applications, etc., 10261

National Telecommunications and Information Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Public Telecommunications Facilities Program, 10172–10173

Navy Department
NOTICES
Environmental statements; notice of intent:
Naval Base Guam; Marine Corps units relocation, 10186–10187
Privacy Act; systems of records, 10187–10190

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Army Department, Ft McClellan, AL, 10262–10264
Applications, hearings, determinations, etc.:
USEC, Inc., 10262

Occupational Safety and Health Administration
NOTICES
Nationally recognized testing laboratories, etc.:
Canadian Standards Association, 10259–10261

Office of United States Trade Representative
See Trade Representative, Office of United States

Public Debt Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10301–10302

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
Lake Mead National Recreation Area, NV; Clean Water Coalition Systems Conveyance and Operations Program, 10256–10257

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 10265–10276
Boston Stock Exchange, Inc., 10276–10277
Fixed Income Clearing Corp., 10277–10278
International Securities Exchange, LLC, 10279–10280
NASDAQ Stock Market LLC, 10280–10283
National Association of Securities Dealers, Inc., 10283–10285
NYSE Arca, Inc., 10285–10287
Philadelphia Stock Exchange, Inc., 10287–10289

Small Business Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10289

State Department
RULES
Nonprocurement debarment and suspension; OMB guidance; implementation, 10033–10035
Visas; nonimmigrant documentation:
Exchange visitors, 10060–10064

PROPOSED RULES
Passports:
Regulations reorganization, restructuring, and update, 10095–10105
NOTICES
Culturally significant objects imported for exhibition:
World of 1607, 10289
Meetings:
Defense Trade Advisory Group, 10289–10290

Surface Transportation Board
NOTICES
Railroad services abandonment:
Boston and Maine Corp., et al., 10295

Tennessee Valley Authority
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10290

Trade Representative, Office of United States
NOTICES
Dominican Republic-Central America-United States Free Trade Agreement:
Discriminatory purchasing requirements; waiver determination, 10264–10265

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 10290–10291
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 10291

Treasury Department
See Internal Revenue Service
See Public Debt Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10295–10296

U.S. Citizenship and Immigration Services
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10239–10240

Veterans Affairs Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 10302–10304
Meetings:
Veterans Disability Benefits Commission, 10305
Real property; enhanced use leases:
Brecksville, OH; Louis Stokes Cleveland VA Medical Center, 10305
Butler, PA; VA Medical Center, 10305
Dayton, OH; VA Medical Center, 10305–10306

Separate Parts In This Issue

Part II
Agriculture Department, Forest Service; Interior Department, Land Management Bureau, 10308–10338

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

2 CFR
601 10033

7 CFR
52 10035

Proposed Rules:
932 10091

10 CFR
431 10038

14 CFR
39 (4 documents) 10049, 10052, 10054, 10057
71 10059

Proposed Rules:
39 10093

22 CFR
41 10060
133 10033
137 10033
145 10033

Proposed Rules:
51 10095

28 CFR
0 10064
5 10064
12 10064
17 10064
65 10064
73 10064

29 CFR
2530 10070

36 CFR
228 10308

40 CFR
180 10074
300 10078

Proposed Rules:
300 10105

41 CFR
102-35 10084

43 CFR
3160 10308

49 CFR
211 10086

50 CFR
622 (2 documents) 10088, 10089
665 10090

Rules and Regulations

Federal Register
Vol. 72, No. 44
Wednesday, March 7, 2007

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 STATE

2 CFR Part 601

22 CFR Parts 133, 137, and 145

[Public Notice 5710]

RIN 1400–AB83

Department of State's Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (DOS) is moving its regulations on nonprocurement debarment and suspension from their current location in title 22 of the Code of Federal Regulations (CFR) to title 2 of the CFR, and is adopting the format established by the Office of Management and Budget (OMB) in a document of interim final guidance on nonprocurement debarment and suspension published in the **Federal Register** on August 31, 2005. In today's rule, DOS establishes a new 2 CFR part 601 that adopts OMB's final government-wide guidance on nonprocurement debarment and suspension and contains supplemental DOS nonprocurement debarment and suspension provisions. In addition, this rule removes 22 CFR part 137, the existing DOS nonprocurement debarment and suspension regulations and updates references to 22 CFR part 137 in 22 CFR part 145 and 22 CFR part 133 to conform with this change. These changes constitute an administrative simplification that makes no substantive change in DOS policy or procedures for nonprocurement debarment and suspension.

EFFECTIVE DATE: This rule is effective March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Georgia Hubert, Director, Federal Assistance Division, Office of the Procurement Executive, A/OPE/FA, Department of State, SA–6, Suite 600, Washington, DC 20520; Telephone: 703–812–2526; e-mail: *hubertgk@state*.

SUPPLEMENTARY INFORMATION:

Background

On May 11, 2004, OMB established title 2 of the CFR with two subtitles (69 FR 2627). Subtitle A, ''Government-wide Grants and Agreements,'' contains OMB policy guidance to Federal agencies on grants and agreements. Subtitle B, ''Federal Agency Regulations for Grants and Agreements,'' contains Federal agencies' regulations implementing the OMB guidance, as it applies to grants and other financial assistance agreements and nonprocurement transactions.

On August 31, 2005, OMB published interim final guidance for government-wide nonprocurement debarment and suspension in the **Federal Register** (70 FR 51863). The guidance was located in title 2 of the CFR as new subtitle A, chapter 1, part 180. The interim final guidance updated previous OMB guidance that was issued pursuant to Executive Order 12549, ''Debarment and Suspension'' (February 18, 1986), which gave government-wide effect to each agency's nonprocurement debarment and suspension actions.

Section 6 of the Executive order authorized OMB to issue guidance to Executive agencies on nonprocurement debarment and suspension, including provisions prescribing government-wide criteria and minimum due process procedures.

Section 3 directed Executive agencies to issue regulations implementing the Executive order that are consistent with the OMB guidelines. The interim final guidance at 2 CFR part 180 conforms the OMB guidance with the Federal agencies' November 26, 2003, update to the common rule on nonprocurement debarment and suspension (see 70 FR 51864). Although substantively the same as the common rule, OMB's interim final guidance was published in a form suitable for agency adoption, thus eliminating the need for each agency to repeat the full text of the OMB government-wide guidance in its implementing regulations. This new approach is intended to make it easier for recipients of covered transactions or respondents in suspension or debarment actions to discern agency-to-agency variations from the common rule language; reduce the volume of Federal regulations in the CFR; and streamline the process for updating the government-wide requirements on nonprocurement debarment and suspension (70 FR 51864).

On November 15, 2006, OMB published a final rule adopting the interim final guidance with changes (71 FR 66431). This final rule places DOS's nonprocurement debarment and suspension regulations in subtitle B of title 2 of the CFR, along with other agencies' nonprocurement debarment and suspension rules. This action was required by the OMB interim final guidance, which was made final on November 15, 2006 (see 2 CFR 180.20, 180.25, 180.30 and 180.35).

The new CFR part 601 adopts the OMB guidelines with additions and clarifications that DOS made to the common rule on nonprocurement suspension and debarment in the DOS rule published on November 26, 2003 (68 FR 66582–84). The substance of DOS's nonprocurement debarment and suspension regulations is unchanged. DOS is removing 22 CFR part 137, which was added to the CFR as part of the November 2003 common rule. DOS is also amending references in both Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (22 CFR part 145) and Government-wide Requirements for Drug-Free Workplace (22 CFR part 133) to update the reference to DOS's nonprocurement debarment and suspension regulations.

Regulatory Findings

Executive Order 12866

OMB has determined this rule non-significant.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

Paperwork Reduction Act of 1995

This final rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13211

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

Congressional Review Act

The Congressional Review Act, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. DOS will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective 30 days from the date of publication in the **Federal Register**.

List of Subjects

2 CFR Part 601

Administrative practice and procedure, Debarment and suspension, Assistance programs, Reporting and recordkeeping requirements.

22 CFR Part 133

Administrative practice and procedure, Assistance programs, Drug-Free Workplace.

22 CFR Part 137

Administrative practice and procedure, Debarment and suspension, Assistance programs, Suspension and Debarment, Reporting and recordkeeping requirements.

22 CFR Part 145

Administrative practice and procedure, Assistance programs, Reporting and recordkeeping requirements.

■ For the reasons stated in the preamble, under the authority at 22 U.S.C. 2658 and 31 U.S.C. 6101, the Department of State amends Title 2, subtitle B and Title 22, Parts 133, 137, 145 chapter I of the Code of Federal Regulations as follows:

■ 1. Add Chapter 6, consisting of Part 601 to Subtitle B to read as follows:

Title 2—Grants and Agreements

Chapter 6—Department of State

PART 601—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.
601.10 What does this part do?
601.20 Does this part apply to me?
601.30 What policies and procedures must I follow?

Subpart A—General

601.137 Who in the Department of State may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

601.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

601.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

601.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

Subpart E Through H [Reserved]

Subpart I—Definitions

601.930 Debarring Official (Department of State supplement to government-wide definition at 2 CFR 180.930.
601.1010 Suspending Official (Department of State supplement to government-wide definition at 2 CFR 180.1010

Subpart J [Reserved]

Authority: Sec. 2455, Pub. L. 103–355, 108; Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549; (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3); CFR, 1989 Comp., p. 235).

§ 601.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) guidance in subparts A through I of 2 CFR part 180, as supplemented by this part, as the DOS policies and procedures for nonprocurement debarment and suspension. It thereby gives regulatory effect for DOS to the OMB guidance as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR 1986 Comp., p. 189); Executive Order 12689, ''Debarment and Suspension'' (3 CFR 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, Pub. L. 103–355 (31 U.S.C. 6101 note).

§ 601.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in subparts A through I of 2 CFR part 180 (see table at 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a DOS suspension or debarment action;

(c) DOS debarment or suspension official; and

(d) DOS grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 601.30 What policies and procedures must I follow?

The DOS policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB guidance in subparts A through I of 2 CFR part 180 and any supplemental policies and procedures set forth in this part.

Subpart A—General

§ 601.137 Who in the Department of State may grant an exception to let an excluded person participate in a covered transaction?

The Procurement Executive, Office of the Procurement Executive, DOS, may grant an exception permitting an excluded person to participate in a particular covered transaction. If the Procurement Executive, Office of the Procurement Executive, DOS, grants an exception, the exception must be in writing and state the reason(s) for deviating from the government-wide policy in Executive Order 12549.

Subpart B—Covered Transactions

§ 601.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b) of the OMB

guidance, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the DOS under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the DOS nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in the appendix to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 601.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of the OMB guidance in 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 601.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subpart E Through H [Reserved]

Subpart I—Definitions

§ 601.930 Debarring official (Department of State supplement to government-wide definition at 2 CFR 180.930).

The Debarring Official for the Department of State is the Procurement Executive, Office of the Procurement Executive (A/OPE).

§ 601.1010 Suspending official (Department of Energy supplement to government-wide definition at 2 CFR 180.1010).

The Debarring Official for the Department of State is the Procurement Executive, Office of the Procurement Executive (A/OPE).

Subpart J [Reserved]

Title 22—Foreign Relations

Chapter I—Department of State

PART 133—[AMENDED]

■ 2. The authority citation for part 133 continues to read as follows:

Authority: 22 U.S.C. 2658; 41 U.S.C. 701, *et seq.*

§ 133.510 [Amended]

■ 3. Section 133.510, paragraph (c) is amended by revising the citation, ''22 CFR part 137'' to read: ''2 CFR Part 601.''

PART 137 [Removed]

■ 4. Part 137 is removed.

PART 145 [Amended]

■ 5. The authority citation for part 145 continues to read as follows:

Authority: 22 U.S.C. 2658.1; OMB Circular A–110 (64 FR 54926, October 8, 1999).

§ 145.13 [Amended]

■ 4. Section 145.13 is amended by revising the citation, ''22 CFR part 137'' to read, ''2 CFR 601.''

§ 145.44 [Amended]

■ 5. Section 145.44 is amended by revising the citation, ''22 CFR part 137'' to read, ''2 CFR 601.''

§ 145.62 [Amended]

■ 6. Section 145.62 paragraph (d) is amended by revising the citation, ''22 CFR part 137'' to read, ''2 CFR 601.''

Appendix A to Part 145 [Amended]

■ 7. Appendix A to part 145 is amended by revising the second sentence of paragraph (8) to read, ''No contract shall be made to parties listed on the General Services Administration's Excluded Parties List System (*http://www.epls.gov*) from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689, 'Debarment and Suspension.' ''

Dated: February 26, 2007.

Georgia Hubert,

Director, Office of the Procurement Executive, Federal Assistance Division, Department of State.

[FR Doc. E7–3872 Filed 3–6–07; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[Docket # AMS–FV–07–0025; FV–05–379]

RIN 0581–AC56

Processed Fruits and Vegetables

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the regulations governing inspection and certification for processed fruits, vegetables, and processed products by increasing the fees charged for these products by 19 to 26 percent. Furthermore, it revises the regulations so applicants entering into an in-plant inspection contract with the Agricultural Marketing Service (AMS) will incur the costs for the plant survey and sanitation inspection. Finally, the revision provides that applicants entering into a year-round inspection contract, less than year-round (four or more consecutive 40 hour weeks) contract, or lot inspection will incur costs for Sunday differential when an employee works on Sunday. Also affected are the fees charged to persons required to have inspections on imported commodities in accordance with the Agricultural Marketing Agreement Act of 1937. In addition, various editorial changes are being made to enhance clarity. These revisions are necessary in order to recover, as nearly as practicable, the costs of performing inspection services under the Agricultural Marketing Act of 1946 and to ensure the program's financial stability.

DATES: Effective April 6, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Terry B. Bane at the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247, Washington, DC 20250–0247, telephone, (202) 720–4693, or e-mail *Terry.Bane@usda.gov*.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Also, pursuant to the requirements of the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. AMS regularly reviews its user fee financed programs to determine if the fees are adequate. The Agency has and will continue to identify and implement appropriate changes to reduce its costs. Such actions can reduce the need for fee increases. The processed fruit and vegetable grading and inspection service administers a number of user fee programs with established fee schedules to offset the cost of the service. The fee schedule for the subject lot, year-round, and less than year-round processed fruit and vegetable inspection programs was last revised on October 30, 2003 (68 FR 61733). However, even with cost control efforts, the existing fee schedule for these programs will not generate sufficient revenues to cover costs and sustain an adequate reserve balance, 4 months of costs, as called for by Agency policy (AMS Directive 408.1).

At the start of Fiscal Year (FY) 2006, the processed fruit and vegetable grading and inspection service had a reserve balance of $8 million, of which, the lot, year-round, and less than year-round programs accounted for $3.4 million. AMS projects that the costs for the services covered by this final rule will rise from $15 million in FY 2005 to $15.4 million in FY 2006. Revenues for FY 2006 are projected to be at $15.0 million. The increase in costs is primarily a result of rising employee salaries and benefits. For example, since the last fee schedule change, employees have received a 3.1 and 3.4 percent pay increase effective January 2005 and January 2006, respectively.

For FY 2006, the end-of-year reserve balance will decline from $3.4 million to $3.0 million, and the months of reserve will fall from 2.6 months to 2.4 months. For FY 2007, without a fee increase, the end-of-year reserve balance would be $2.5 million; the months of reserve will be 1.9; with the projected costs of $15.8 million and revenues of $15.3 million.

With the fee increase, these services will generate sufficient revenue so that by the end of FY 2007, the reserve balance will be $5.3 million and 4.0 months. AMS will perform fee analyses to determine if further fee adjustments in FY 2007 are necessary to maintain an adequate reserve and ensure fiscal stability.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. The first action increases user fee revenue generated under the lot inspection program and the year-round and less than year-round inspection programs by an estimated $1.5 million in FY 2007. The second action will recoup the cost for a plant survey and sanitation inspection performed in plants entering into an in-plant inspection contract with AMS. Currently, fees that are charged for a plant survey and sanitation inspection under § 52.48 are credited back to plants entering into an in-plant inspection contract with AMS within 60 days of the survey. There are presently 239 plants with an in-plant inspection contract not being charged for the plant survey and sanitation inspection. Billing for the plant survey and sanitation inspection will increase user fee revenue generated under the year-round and less than year-round inspection programs by approximately $143,000 annually. The third action will recoup the cost for Sunday differential when an employee works on Sunday for plants entering into a year-round in-plant contract, entering into a less than year-round in-plant (four or more consecutive 40 hour weeks) contract, and not under contract. During calendar year 2004, there were 3,562 Sunday differential hours not charged at premium rate to applicants. Billing applicants for Sunday differential will increase user fee revenue generated under the lot inspection program, the year-round inspection program, and the less than year-round inspection program by approximately $35,000 annually. The forth action will change the word ''approvement'' to ''approved'' in § 52.2, Inspection Services; types of, paragraph (d) Pack certification.

These actions are authorized under the AMA of 1946 [7 U.S.C. 1622(h)] which provides that the Secretary of Agriculture assess and collect ''such fees as will be reasonable and as nearly as may be to cover the costs of services rendered * * *''

There are more than 1,250 users of Processed Products Branch's lot, year-round, and less than year-round inspection services (including applicants who must meet import requirements,[1] inspections which amount to under two percent of all lot inspections performed). A small portion of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.201).

There are no additional reporting, recordkeeping, or other compliance requirements imposed upon small entities as a result of this rule. AMS has not identified any other federal rules which may duplicate, overlap, or conflict with this final rule. The impact on all businesses, including small entities, is very similar. Further, even though fees will be increased, the amount of the increase should not significantly affect these entities.

This fee increase moves the program towards an adequate reserve and financial stability. Considering the alternatives, without the fee increase, this result would not be accomplished. Finally, except for those applicants who are required to obtain inspections in connection with certain imports, these businesses are under no obligation to use these inspection services.

Executive Order 12988

The rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect and doesn't preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this final rule.

Final Action

The AMA authorizes official inspection, grading, and certification for processed fruits, vegetables, and processed products made from them. The AMA provides that the Secretary collect reasonable fees from the users of the services to cover, as nearly as practicable, the costs of the services rendered. This final rule amends the schedule for fees for inspection services rendered to the processed fruit and vegetable industry to reflect the costs necessary to operate the program.

AMS regularly reviews its user fee programs to determine if the fees are

[1] Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–604), requires that whenever the Secretary of Agriculture issues grade, size, quality or maturity regulations under domestic marketing orders for certain commodities, the same or comparable regulations on imports of those commodities must be issued. Import regulations apply only during those periods when domestic marketing order regulations are in effect. Currently, there are 4 processed commodities subject to 8e import regulations: Canned ripe olives, dates, prunes, and processed raisins. A current listing of the regulated commodities can be found in 7 CFR Parts 944 and 999.

adequate. While AMS continues to pursue opportunities to reduce its costs, the existing fee schedule will not generate sufficient revenues to cover lot, year-round, and less than year-round inspection program costs while maintaining an adequate reserve balance.

Based on the Agency's analysis of increasing program costs, AMS is (1) increasing the fees relating to lot, year-round, and less than year-round inspection services, (2) billing in-plant applicants for plant survey and sanitation inspection, and (3) billing applicants for Sunday differential when applicable.

At the start of FY 2006, the processed fruit and vegetable grading and inspection service had a reserve balance of $8 million, of which, the lot, year-round, and less than year-round programs accounted for $3.4 million. AMS projects that the costs for the services covered by this final rule will rise from $15 million in FY 2005 to $15.4 million in FY 2006. Revenues for FY 2006 are projected to be at $15.0 million. The increase in costs is primarily a result of rising employee salaries and benefits. For example, since the last fee schedule change, employees have received a 3.1 and 3.4 percent pay increase effective January 2005 and January 2006, respectively.

For FY 2006, the end-of-year reserve balance will decline from $3.4 million to $3.0 million, and the months of reserve will fall from 2.6 months to 2.4 months. For FY 2007, without a fee increase, the end-of-year reserve balance would be $2.5 million; the months of reserve would be 1.9; with the projected costs of $15.8 million and revenues of $15.3 million.

With the fee increase these services will generate sufficient revenue so that by the end of FY 2007, the reserve balance will be $5.3 million and 4.0 months. AMS will perform fee analyses to determine if further fee adjustments in FY 2007 are necessary to maintain an adequate reserve and ensure fiscal stability.

For inspection services charged on a contract basis under § 52.51, overtime work will also continue to be charged as provided in that section. The following fee schedule compares current fees and charges with final fees and charges for processed fruit and vegetable inspection as found in 7 CFR 52.42–52.51. Unless otherwise provided for by written agreement between the applicant and the Administrator, the charges in the schedule of fees as found in § 52.42 are:

Current	Final
$52.00/hr.	$62.00/hr.

Charges for travel and other expenses as found in § 52.50 are:

Current	Final
$52.00/hr.	$62.00/hr.

Charges for year-round in-plant inspection services on a contract basis as found in § 52.51 (c) are:

(1) For inspector assigned on a year-round basis:

Current	Final
$39.00/hr.	$49.00/hr.

(2) For inspector assigned on less than a year-round basis:

Each inspector:

Current	Final
$52.00/hr.	$65.00/hr.

Charges for less than year-round in-plant inspection services (four or more consecutive 40 hour weeks) on a contract basis as found in § 52.51 (d) are:

(1) Each inspector:

Current	Final
$52.00/hr.	$65.00/hr.

Furthermore, AMS will recoup the cost for a plant survey and sanitation inspection performed in plants entering into an in-plant inspection contract with AMS. Currently, fees that are charged for a plant survey and sanitation inspection are credited back to plants entering into an in-plant inspection contract with AMS within 60 days of the survey. There are presently 239 plants with an in-plant inspection contract not being charged for the plant survey and sanitation inspection. Billing for the plant survey and sanitation inspection will increase user fee revenue generated under the year-round and less than year-round inspection programs by approximately $143,000 annually. In addition, AMS will recoup the cost for Sunday differential for plants entering into a year-round in-plant contract, entering into a less than year-round in-plant (four or more consecutive 40 hour weeks) contract, and not under contract. During calendar year 2004, there were 3,562 Sunday differential hours not charged to plants. Billing plants for Sunday differential will increase user fee revenue generated under the lot inspection program, the year-round inspection program, and the less than year-round inspection program by approximately $35,000 annually. Finally, the last action will change the word ''approvement'' to ''approved'' in § 52.2, Inspection Service; types of, paragraph (d) Pack certification.

A notice of proposed rulemaking was published in the **Federal Register** on July 11, 2006, (71 FR, No. 132, 39017) with a thirty-day comment period. AMS received two comments during this period.

The first comment was received from the Association of Food Industries, Inc. (AFI). AFI asked how this revision would affect imported products. The fee increase applies to the voluntary inspection and certification of processed fruits and vegetables whether domestic or imported. Further, as noted previously under 8e of the Agricultural Marketing Agreement Act of 1937, certain imported processed commodities are subject to import regulations which include inspection requirements.

The second comment was received from an individual who expressed concurrence with the revision.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and record keeping requirements, and Vegetables.

■ For the reasons set forth in the preamble, 7 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 7 U.S.C. 1621–1627.

§ 52.2 [Amended]

■ 2. In § 52.2, under the term ''Inspection Service; types of'', in paragraph (d) under the term ''pack certification'' the word ''approvement'' is revised to read ''approved''.

■ 3. In § 52.42, the figure ''$52.00'' is revised to read ''$62.00'' and a sentence is added at the end of the section to read as follows:

§ 52.42 Schedule of fees.

* * * A twenty-five (25) percent Sunday differential charge will be made for all work performed on Sunday.

■ 5. Section 52.48 is revised to read as follows:

§ 52.48 Charges for plant survey and inspection.

The fees to be charged for a plant survey and inspection shall be at the rates prescribed in § 52.42 and § 52.51.

§ 52.50 [Amended]

■ 6. In § 52.50, the figure ''$52.00'' is revised to read ''$62.00''.

■ 7. In § 52.51, paragraph (c)(1), the figure ''$39.00'' is revised to read ''$49.00'', in paragraph (c)(2), the figure ''$52.00'' is revised to read ''$65.00'', and in paragraph (d)(1), the figure ''$52.00'' is revised to read ''$65.00'' and new paragraphs (c)(6) and (d)(6) are added to read as follows:

§ 52.51 Charges for inspection services on a contract basis.

* * * * *

(c) * * *

(6) Sunday differential. A 25 percent Sunday differential will be charged for all work performed on Sunday.

* * * * *

(d) * * *

(6) Sunday differential. A 25 percent Sunday differential will be charged for all work performed on Sunday.

* * * * *

Dated: March 1, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–3937 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 431

[Docket Nos. EE–RM/STD–03–100, EE–RM/STD–03–200, and EE–RM/STD–03–300]

RIN Nos. 1904–AB16, 1904–AB17, and 1904–AB44

Energy Efficiency Program for Certain Commercial and Industrial Equipment: Efficiency Standards for Commercial Heating, Air-Conditioning, and Water-Heating Equipment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: The Energy Policy and Conservation Act, as amended (EPCA), establishes energy conservation standards for various commercial and industrial equipment. EPCA further provides with respect to certain equipment covered by this rule, that if the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the Illuminating Engineering Society of North America (IESNA) amend ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992, then the Department of Energy (DOE) must establish amended national standards at the ASHRAE/IESNA Standard 90–1 minimum energy efficiency levels unless DOE determines that evidence supports adoption of higher standard levels or certain other circumstances exist. ASHRAE/IESNA amended ASHRAE/IESNA Standard 90.1 on October 29, 1999 (ASHRAE/IESNA Standard 90.1–1999), and DOE initiated this rulemaking to consider amendments to the national standards. DOE has concluded that it lacks authority to pursue higher standards for gas-fired instantaneous water heaters and large commercial packaged boilers. For small commercial packaged boilers with capacities greater than 300,000 Btu/h and less than or equal to 2.5 million British thermal units per hour, DOE is declining to adopt revised efficiency standards contained in the ASHRAE/IESNA Standard 90.1–1999 because the revised levels are less stringent than the current national standard. In addition, DOE has decided to conduct a separate rulemaking to consider whether standards at higher levels than those in the ASHRAE/IESNA Standard 90.1–1999 are warranted for packaged terminal air conditioners and packaged terminal heat pumps. Finally, DOE has concluded it does not have the authority to adopt, as uniform national standards, efficiency standards contained in Addenda f and b, respectively, to ASHRAE/IESNA Standard 90.1–2004 for three-phase air conditioners and heat pumps with cooling capacities less than 65,000 British thermal units per hour, and single-package vertical air conditioners and single-package vertical heat pumps with cooling capacities less than 65,000 Btu/h.

DATES: *Effective Date:* April 6, 2007.

FOR FURTHER INFORMATION CONTACT: Maureen Murphy, Project Manager, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–0598, or e-mail *Maureen.Murphy@ee.doe.gov.*

Francine Pinto, Esq., U.S. Department of Energy, Office of the General Counsel, GC–72, 1000 Independence Avenue, SW., Washington, DC 20585–0103, (202) 586–9507, or e-mail *Francine.Pinto@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction
- A. Summary of Today's Actions
- B. Authority
- C. Background
  - 1. ASHRAE/IESNA Standard 90.1 and the Department of Energy's Response
  - 2. Subsequent Action by the Department of Energy
  - 3. The Energy Policy Act of 2005

II. Discussion of Comments and DOE Final Rule
- A. Large Commercial Packaged Boilers (Greater Than 2.5 million British Thermal Units Per Hour) and Gas-Fired Instantaneous Water Heaters
- B. Small Commercial Packaged Boilers (Greater Than 300,000 British Thermal Units Per Hour and Less Than or Equal to 2.5 million British Thermal Units Per Hour)
- C. Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps
- D. Three-Phase Air Conditioners and Heat Pumps less than 65,000 British Thermal Units Per Hour
- E. Single-Package Vertical Air Conditioners and Single-Package Vertical Heat Pumps Less Than 65,000 Btu/h
- F. Single-Package Vertical Air Conditioners and Single-Package Vertical Heat Pumps Greater Than or Equal to 65,000 Btu/h and Less Than 240,000 Btu/h

III. Procedural Requirements
- A. Review Under Executive Order 12866
- B. Review Under the Regulatory Flexibility Act
- C. Review Under the Paperwork Reduction Act of 1995
- D. Review Under the National Environmental Policy Act of 1969
- E. Review Under Executive Order 13132
- F. Review Under Executive Order 12988
- G. Review Under the Unfunded Mandates Reform Act of 1995
- H. Review Under the Treasury and General Government Appropriations Act, 1999
- I. Review Under Executive Order 12630
- J. Review Under the Treasury and General Government Appropriations Act, 2001
- K. Review Under Executive Order 13211
- L. Congressional Notification

IV. Approval of the Office of the Secretary

I. Introduction

A. Summary of Today's Actions

Today's final rule addresses five categories of commercial equipment [1]: (1) Small and large commercial packaged boilers; (2) gas-fired instantaneous water heaters; (3) packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs); (4) three-phase air conditioners (ACs) and heat pumps (HPs) with cooling capacities less than 65,000 British thermal units per hour (Btu/h); and (5) single-package vertical air conditioners (SPVAC) and single-package vertical heat pumps (SPVHP), collectively referred to as single package vertical units (SPVUs).

By today's action, DOE is publishing a final rule that prescribes no amended standard. As discussed in section II.A through II.F of this notice, DOE has decided:

[1] DOE uses the terms ''product'' and ''equipment'' interchangeably in this final rule. Where DOE refers to the categories of ''residential products'' covered by 10 CFR Part 430, DOE uses the phrase ''residential products.''

(1) Not to amend the standards for large commercial packaged boilers (greater than 2.5 million Btu/h) and gas-fired instantaneous water heaters because ASHRAE/IESNA did not amend the levels for these products in ASHRAE/IESNA Standard 90.1–1999 and, thus, did not trigger the provision requiring DOE to amend the standards established under EPCA;

(2) Not to amend the standards for small commercial packaged boilers (greater than 300,000 Btu/h and less than or equal to 2.5 million Btu/h) because the ASHRAE/IESNA Standard 90.1–1999 levels for these products are less stringent than the existing EPCA standards;

(3) Not to amend the standards for packaged terminal air conditioners and packaged terminal heat pumps because DOE will conduct a separate rulemaking to determine if clear and convincing evidence supports standard levels higher than those in ASHRAE/IESNA Standard 90.1–1999;

(4) Not to amend the standards for three-phase air conditioners and heat pumps less than 65,000 Btu/h because EPACT 2005 amended EPCA to provide that only an amendment to ASHRAE/IESNA Standard 90.1 as in effect on January 1, 2010, triggers DOE to amend the standards established under EPCA;

(5) Not to amend the standards for single-package vertical air conditioners and single-package vertical heat pumps less than 65,000 Btu/h because EPACT 2005 amended EPCA to provide that only an amendment to ASHRAE/IESNA Standard 90.1 as in effect on January 1, 2010, triggers DOE to amend the standards established under EPCA; and

(6) Not to amend the standards for single-package vertical air conditioners and single-package vertical heat pumps greater than or equal to 65,000 Btu/h and less than 240,000 Btu/h because DOE has determined that these products are covered by standards established by EPACT 2005 for large commercial package air conditioning and heating equipment with cooling capacities greater than or equal to 65,000 Btu/h and less than 760,000 Btu/h.

B. Authority

Part C of Title III of EPCA addresses the energy efficiency of certain types of commercial and industrial equipment. (42 U.S.C. 6311–6317) It contains, for example, specific mandatory energy conservation standards for tankless, gas-fired IWHs; PTACs and PTHPs; small and large commercial packaged boilers; and commercial package air-conditioning and heating equipment. The latter category includes three-phase ACs and HPs with cooling capacities less than 65,000 Btu/h, as well as SPVACs and SPVHPs with cooling capacities less than 65,000 Btu/h. (42 U.S.C. 6313(a)(1)–(5))

The energy conservation standards set forth in EPCA for these and related types of commercial and industrial equipment generally correspond to the levels in ASHRAE/IESNA Standard 90.1, effective October 24, 1992 (ASHRAE/IES Standard 90.1–1989). Pursuant to section 342(a)(6)(A)(i) of EPCA, DOE, except in certain circumstances, must amend energy conservation standards for the listed ASHRAE equipment if ASHRAE amends ASHRAE/IESNA Standard 90.1. With respect to certain types of commercial and industrial equipment, including all of the equipment covered by today's rule, prior to the enactment of Energy Policy Act of 2005 (EPACT 2005), any amendment of ASHRAE/IES Standard 90.1, as in effect on October 24, 1992 (the date of enactment of the Energy Policy Act of 1992) would trigger DOE action for adopting amended uniform national standards for this equipment. EPACT 2005 changed the October 24, 1992, date for small and large commercial package air conditioning and heating equipment, so that only an amendment of ASHRAE/IES Standard 90.1 as in effect on January 1, 2010, would trigger DOE action to adopt amended uniform national standards. Pursuant to EPACT 2005, this provision also applies to ''very large'' commercial package air conditioning and heating equipment. *Id.* Any SPVU with a cooling capacity below 760,000 Btu/h would be within the definition of small, large, or very large commercial package air conditioning and heating equipment. (42 U.S.C. 6311(8)(A)–(D))

Under certain circumstances delineated in EPCA, DOE may adopt standards more stringent than the levels in amendments to ASHRAE/IES Standard 90.1. (42 U.S.C. 6313(6)(A)(i)–(ii)) In any such rulemaking, the rule must contain the amended standard. The Secretary may not prescribe any amended standard that increases maximum allowable energy use, or decreases the minimum required energy efficiency, of the covered equipment. (42 U.S.C. 6313(a)(6)(B)(ii)) Furthermore, the Secretary may not prescribe an amended standard if the Secretary publishes a finding that interested persons have established by a preponderance of evidence that the amended standard is likely to result in the unavailability in the United States of products with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. (42 U.S.C. 6313(a)(6)(B)(ii))

C. Background

1. ASHRAE/IESNA Standard 90.1 and the Department of Energy's Response [2]

On October 29, 1999, ASHRAE approved and published ASHRAE/IESNA Standard 90.1–1999, which addressed efficiency levels for many categories of commercial heating, ventilating, air-conditioning (HVAC), and water-heating equipment covered by EPCA. ASHRAE/IESNA Standard 90.1–1999 revised the efficiency levels in ASHRAE/IESNA Standard 90.1–1989 for certain equipment. For the remaining equipment, ASHRAE left the preexisting levels in place after considering revising the levels for some equipment and deferring consideration of others.

Following publication of ASHRAE/IESNA Standard 90.1–1999, DOE performed a screening analysis for the categories of equipment for which ASHRAE addressed efficiency levels in ASHRAE/IESNA Standard 90.1, to determine what action DOE would take with respect to these levels. 65 FR 10984. Upon completion of the screening analysis, DOE published a notice of document availability and public workshop on May 15, 2000. The May 15, 2000, notice invited written comments on the screening analysis and DOE's planned actions and described the screening analysis and announced its availability to the public. 65 FR 30929. For each equipment category for which ASHRAE adopted or considered an amended efficiency level, the notice stated what action DOE was inclined to take. 65 FR 30935. ASHRAE did not amend the standard levels for three-phase ACs and HPs with cooling capacities less than 65,000 Btu/h at that time. However, it was DOE's understanding that the ASHRAE Standard 90.1 committee intended to amend the levels once the DOE rulemaking for residential central air conditioners energy efficiency standards had been completed. Based on ASHRAE's action and DOE's understanding of the ASHRAE Standard 90.1 committee's intention to adopt the same level as DOE adopted for residential central air conditioners, DOE stated that it had decided to take no action until ASHRAE had amended ASHRAE/IESNA Standard 90.1's

[2] A more detailed discussion of the ASHRAE process can be found in DOE's Notice of Availability and request for public comment on this rulemaking published on March 13, 2006 in the **Federal Register**. 71 FR 12634.

efficiency levels for three-phase ACs and HPs with cooling capacities less than 65,000 Btu/h. 71 FR 12643. In Addendum f to ASHRAE/IESNA Standard 90.1–2004, ASHRAE adopted the same minimum energy efficiency standards for this equipment as DOE had adopted for residential central air conditioners. ASHRAE adopted Addendum f to ASHRAE/IESNA Standard 90.1–2004 on April 1, 2006.

Following the public meeting on July 11, 2000, DOE adopted the efficiency levels in ASHRAE/IESNA Standard 90.1–1999 as uniform national standards to replace existing EPCA levels for 18 categories of commercial equipment in the January 2001 final rule. 66 FR 3335, 3336–37, 3349–52 (January 12, 2001). DOE also rejected the ASHRAE/IESNA Standard 90.1–1999 levels for electric water heaters, leaving the EPCA level in place for that equipment. 66 FR 3337.

In this same final rule, for 11 categories of commercial equipment,[3] DOE stated it would evaluate whether to adopt more stringent standards than those contained in ASHRAE/IESNA Standard 90.1–1999. 66 FR 3336–38, 3349–52. For the four categories of three-phase air-conditioning equipment that ASHRAE had not addressed in ASHRAE/IESNA Standard 90.1–1999, DOE understood that ASHRAE intended to amend its efficiency levels for this equipment in conjunction with the then-pending DOE standards rulemaking for similar, single-phase residential products.[4] The standard levels prescribed in EPCA and ASHRAE/IESNA Standard 90.1–1999 for these 15 equipment categories[5] appear in Tables I.1 and I.2. EPACT 2005 included energy efficiency standards for some of these commercial air conditioners and heat pumps; those new standards also appear in Tables I.1 and I.2. EPACT 2005 prescribed more stringent standards than those contained in ASHRAE/IESNA Standard 90.1–1999 for commercial package air-conditioning and heating equipment with cooling capacities between 65,000 Btu/h and 240,000 Btu/h as listed in Table I.1.[6]

TABLE I.1.—ENERGY CONSERVATION STANDARDS FOR COMMERCIAL AIR CONDITIONERS AND HEAT PUMPS

Product	Capacity/characteristics	Standard efficiency level*		
		EPCA	ASHRAE/IESNA standard 90.1–1999	EPACT 2005
Small Commercial Package Air-Conditioning and Heating Equipment.	<65 kBtu/h Air-Cooled, 3-Phase, Central Split-System AC, HP	SEER: 10.0 HSPF: 6.8	SEER: 10.0 HSPF: 6.8	Not addressed.
	<65 kBtu/h Air-Cooled, 3-Phase, Central Single-Package AC, HP	SEER: 9.7 HSPF: 6.6	SEER: 9.7 HSPF: 6.6	Not addressed.
	≥65 kBtu/h and <135 kBtu/h Air-Cooled, Central AC	EER: 8.9**	EER: 10.3**	EER: 11.2**††
	≥65 kBtu/h and <135 kBtu/h Air-Cooled, Central HP	EER: 8.9** COP: 3.0†	EER: 10.3** COP: 3.2†	EER: 11.0** COP: 3.3†
Large Commercial Package Air-Conditioning and Heating Equipment.	≥135 kBtu/h and <240 kBtu/h Air-Cooled, Central AC	EER: 8.5**	EER: 9.7**	EER: 11.0**††
	≥135 kBtu/h and <240 kBtu/h Air-Cooled, Central HP	EER: 8.5** COP: 2.9†	EER: 9.3** COP: 3.1†	EER: 10.6** COP: 3.2†
Packaged Terminal Air Conditioners and Heat Pumps.	Air-Cooled	EER, COP vary by capacity according to formulas for each	EER, COP vary by capacity according to formulas for each (different formulas for new construction and replacement equipment)	Not addressed.

*Heating efficiency levels do not apply to cooling-only air conditioners.
**At 95 F dry-bulb temperature.
† At 47 F dry-bulb temperature.
††This EER level applies to equipment that has electric resistance heat or no heating. For all other package air-conditioning equipment with heating system types that are integrated into the equipment, deduct 0.2 EER.

[3] These eleven products include small commercial package air-conditioning and heating equipment with capacities greater than or equal to 65,000 Btu/h and less than 135,000 Btu/h, large commercial package air-conditioning and heating equipment with capacities greater than or equal to 135,000 Btu/h and less than 240,000 Btu/h, packaged terminal air conditioners and heat pumps, small, gas-fired and oil-fired, commercial packaged boilers greater than 300,000 Btu/h and less than or equal to 2,500,000 Btu/h, large, gas-fired and oil-fired, commercial packaged boilers greater than 2,500,000 Btu/h, and gas-fired instantaneous water heaters.

[4] The four categories of three-phase commercial air conditioners and air conditioning hear pumps are: Commercial three-phase, air-source, split-system air conditioners with cooling capacities less than 65,000 Btu/h, commercial three-phase, air-source, single split-system heat pumps with cooling capacities less than 65,000 Btu/h, commercial three-phase, air-source, single package air conditioners with cooling capacities less than 65,000 Btu/h, and commercial three-phase, air-source, single package heat pumps with cooling capacities less than 65,000 Btu/h.

[5] These fifteen products include the eleven products and four categories of commercial three-phase commercial air conditioners and air conditioning heat pumps identified above.

[6] SPVUs are specific types of small and large commercial package air-conditioning and heating equipment. ASHRAE did not recognize and evaluate them as separate equipment categories in ASHRAE/IESNA Standard 90.1–1999, nor did EPCA recognize them as separate equipment categories.

TABLE I.2.—ENERGY CONSERVATION STANDARDS FOR COMMERCIAL BOILERS AND WATER HEATERS*

Product	Capacity/characteristics	Standard efficiency level**	
		EPCA	ASHRAE/IESNA standard 90.1–1999
Packaged Boilers, Oil- and Gas-Fired	>300 kBtu/h ≤2,500 kBtu/h	Combustion Efficiency**: Gas-Fired—80% Oil-Fired—83%	Thermal Efficiency**: Gas-Fired—75% Oil-Fired—78%
	>2,500 kBtu/h	Combustion Efficiency**: Gas-Fired—80% Oil-Fired—83%	Combustion Efficiency**: Gas-Fired—80% Oil-Fired—83%
Gas-Fired Instantaneous Water Heaters	<10 gallons	Thermal Efficiency: 80%	Thermal Efficiency: 80%

* EPACT 2005 did not address this equipment.
** At maximum rated capacity.

2. Subsequent Action by the Department of Energy

DOE reviewed the energy savings potential of increased energy efficiency levels for several types of equipment covered by ASHRAE/IESNA Standard 90.1–1999 and, on March 13, 2006, issued a notice of document availability and request for comments (hereafter referred to as the March 2006 NOA) in the **Federal Register** announcing the availability of a Technical Support Document (TSD) that set forth this review, and requested public comment on the TSD. 71 FR 12634. In the March 2006 NOA, DOE also announced the approaches it was inclined to take for the equipment as summarized in Table I.3, below. *Id* at 12637.

TABLE I.3.—SUMMARY OF POTENTIAL DOE ACTIONS BY PRODUCT AS STATED IN THE MARCH 2006 NOA

Product	DOE's action
PTACs and PTHPs	Initiate a rulemaking to consider more stringent standards.
Small Commercial Packaged Boilers (0.3–2.5 MMBtu/h).	Reject ASHRAE/IESNA Standard 90.1–1999 efficiency levels.
Gas-Fired IWHs	DOE does not have authority to pursue a standard level higher than those specified in ASHRAE/IESNA Standard 90.1–1999.
Large Commercial Packaged Boilers (>2.5 MMBtu/h).	DOE does not have authority to pursue a standard level higher than those specified in ASHRAE/IESNA Standard 90.1–1999.
Three-Phase ACs and HPs (<65,000 Btu/h)	Adopt Addendum f to ASHRAE/IESNA Standard 90.1–2004 once ASHRAE formally adopts this addendum.
SPVUs (<65,000 Btu/h)	DOE invited comments on the potential energy savings estimates and the appropriateness of adopting as federal standards the efficiency levels contained in Addendum b of ASHRAE/IESNA Standard 90.1–2004.

3. The Energy Policy Act of 2005

DOE's authority to amend Federal energy conservation standards for equipment covered by ASHRAE/IES Standard 90.1 (ASHRAE equipment) is found in 42 U.S.C. 6313(a)(6), which, as amended by EPACT 2005, states as follows:

(6)(A)(i) If ASHRAE/IES Standard 90.1, as in effect on January 1, 2010, is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, and very large commercial package air conditioning and heating equipment, or if ASHRAE/IES Standard 90.1, as in effect on October 24, 1992, is amended with respect to any packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, the Secretary shall establish an amended uniform national standard for that product at the minimum level for each effective date specified in the amended ASHRAE/IES Standard 90.1, unless the Secretary determines, by rule published in the **Federal Register** and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than such amended ASHRAE/IES Standard 90.1 for such product would result in significant additional conservation of energy and is technologically feasible and economically justified.

(ii) If ASHRAE/IES standard 90.1 is not amended with respect to small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, and very large commercial package air conditioning and heating equipment during the 5-year period beginning on the effective date of a standard, the Secretary may initiate a rulemaking to determine whether a more stringent standard—

(I) Would result in significant additional conservation of energy; and

(II) Is technologically feasible and economically justified.

(42 U.S.C. 6313(a)(6)(A)(i)–(ii)) [7] Pursuant to this section, DOE's authority to amend energy conservation standards for the listed ASHRAE equipment is triggered by ASHRAE action amending ASHRAE/IES Standard 90.1. With respect to small and large commercial package air conditioning and heating equipment (as well as all other ASHRAE equipment listed in this section), prior to the enactment of EPACT 2005, any amendment of ASHRAE/IES Standard 90.1, as in effect on October 24, 1992, (the date of enactment of the Energy Policy Act of 1992) would trigger DOE action for adopting amended uniform national standards. EPACT 2005 changed the October 24, 1992, date for the

[7] DOE does not have the authority to establish energy conservation standards for the ASHRAE equipment on its own initiative. ASHRAE sets voluntary guidelines for this equipment in ASHRAE/IESNA Standard 90.1.

commercial package air conditioning and heating equipment, so that only an amendment of ASHRAE/IES 90.1 as in effect on January 1, 2010, would trigger DOE action to adopt amended uniform national standards. This provision applies to small and large air conditioning and heating equipment, as well as to very large equipment, which EPACT 2005 added to EPCA.

In addition, section 136(b) of EPACT 2005 amended section 342(a) of EPCA (42 U.S.C. 6313(a)) by prescribing new energy conservation standards for certain small (greater than or equal to 65,000 Btu/h to less than 135,000 Btu/h), for large (greater than or equal to 135,000 Btu/h to less than 240,000 Btu/h), and for very large (greater than or equal to 240,000 Btu/h to less than 760,000 Btu/h) commercial package air conditioners and heat pumps.[8] DOE concluded that the EPACT 2005 standards implicitly cover SPVUs greater than or equal to 65,000 Btu/h to less than 760,000 Btu/h as further discussed below, but EPACT 2005 standards do not address or cover SPVUs less than 65,000 Btu/h. 71 FR 12634, 12638.

II. Discussion of Comments

A. Large Commercial Packaged Boilers (Greater Than 2.5 Million British Thermal Units Per Hour) and Gas-Fired Instantaneous Water Heaters

EPCA specifies minimum energy conservation standards for certain categories of commercial equipment, including gas-fired IWHs and large commercial packaged boilers. (42 U.S.C. 6313(a)(1)–(5)) ASHRAE/IESNA Standard 90.1 also covers these types of equipment, and the efficiency requirements in EPCA correspond with the ASHRAE/IESNA Standard 90.1–1989 levels effective October 24, 1992. (42 U.S.C. 6313(a)(4) and (5))

ASHRAE, in adopting ASHRAE/IESNA Standard 90.1–1999, left in place the pre-existing ASHRAE/IES Standard 90.1–1989 minimum efficiency levels for gas-fired IWHs and large commercial packaged boilers. Thus, the efficiency levels in ASHRAE/IESNA Standard 90.1–1999 for this equipment are the same as the ASHRAE/IES Standard 90.1–1989 and EPCA levels.

In the March 1, 2000, notice of preliminary screening analysis, the May 15, 2000, notice of document availability and public workshop, and the January 2001 final rule, DOE indicated its belief that it had the authority to consider more stringent standard levels for equipment for which ASHRAE had considered adopting more stringent levels but declined to change the efficiency levels for such equipment when publishing ASHRAE/IESNA Standard 90.1–1999. 71 FR 12642. However, in the March 2006 NOA, DOE reexamined its authority under EPCA to amend standards for gas-fired IWHs and large commercial package boilers and concluded that its earlier view was in error. 71 FR 12642

Specifically, DOE has concluded that the statutory trigger that requires DOE to adopt uniform national standards based on ASHRAE action is for ASHRAE to amend a standard for any of the equipment listed in EPCA section 342(a)(6)(A)(i) (42 U.S.C. 6313 (a)(6)(A)(i)) by increasing the energy efficiency level for that equipment type. If ASHRAE merely considers raising the standards for any of the listed equipment in this section, except for small, large, and very large commercial package air conditioning and heating equipment, but ultimately decides to leave the standard levels unchanged or lowers the standard, DOE does not have the authority to conduct a rulemaking for higher standards for that equipment. With respect to small, large, and very large commercial package air conditioning and heating equipment, under 42 U.S.C. 6313 (a)(6(A)(ii), DOE has the authority to initiate a rulemaking proceeding to determine whether more stringent standards are justified if ASHRAE has not amended standards for this equipment within five years following the effective date of a standard. Furthermore, if ASHRAE amends its standards with more stringent standards for a specific subset of the listed equipment, consistent with the above exception, DOE only has the authority to adopt the ASHRAE levels for the specific subset of equipment and its effective dates specified in the amended ASHRAE standard. DOE may under certain circumstances delineated in EPCA adopt a standard more stringent than the amended level in ASHRAE/IESNA Standard 90.1.

Before DOE can adopt an ASHRAE standard for a product pursuant to section 342, the plain language in section 342 requires that ASHRAE must have amended the standard in ASHRAE/IESNA Standard 90.1 for that specific product. Once ASHRAE has amended a standard for ''any'' equipment listed in section 342, section 342 requires the Secretary to ''establish an amended uniform national standard for *that* product at the minimum level for each effective date specified in the amended ASHRAE/IESNA Standard 90.1, unless the Secretary determines * * * that adoption of a * * * more stringent [standard] for *such* product'' is warranted. (*Id. Emphasis added.*) The authority provided in section 342(a)(6)(a)(i) is clearly limited to only those products for which ASHRAE has amended the standard; *i.e.*, authority for ''that product.''

The intent of section 342, generally, is for DOE to maintain uniform national standards consistent with those set in ASHRAE/IESNA Standard 90.1. Given this intent, if ASHRAE has not amended a standard for a product subject to section 342, there is no change which would require action by DOE to consider amending the uniform national standard to maintain consistency with ASHRAE/IESNA Standard 90.1.

In the case of large commercial packaged boilers and gas-fired IWHs, ASHRAE considered amending the standards but ultimately chose not to do so. Therefore, the statutory trigger for DOE to adopt ASHRAE's amended standards did not occur with respect to this equipment. Contrary to stakeholder argument, DOE does not have the authority to amend the standards for large commercial packaged boilers and gas-fired IWHs based on ASHRAE's amendments to ASHRAE/IESNA Standard 90.1, which did not amend the standards for large commercial packaged boilers and gas-fired IWHs. The statutory language specifically links ASHRAE's action in amending standards for specific equipment to DOE's action for those same equipment. Accordingly, since ASHRAE did not amend standards for this equipment, DOE has no rulemaking authority to amend standards for this equipment at this time.

The Alliance to Save Energy (ASE), the American Council for an Energy-Efficient Economy (ACEEE), the Appliance Standards Awareness Project (ASAP), the Natural Resources Defense Council (NRDC), the Northeast Energy Efficiency Partnerships (NEEP), and the Northwest Power and Conservation Council (NWPCC) submitted a combined comment (collectively referred to as ''Joint Comment'') which stated that DOE must review the standards for both large commercial packaged boilers and gas-fired IWHs. (Joint Comment, No. 27 at pp. 3–4)[9] The

[8] Single package vertical air conditioners and single package vertical heat pumps that are within these capacity ranges are small, large and very large commercial package air conditioners and heat pumps since they are commercial products (*i.e.*, distributed for commercial applications) and meet EPCA's definition for ''commercial package air conditioning and heating equipment.'' (42 U.S.C. 6311(8))

[9] A notation in the form ''Joint Comment, No. 27 at pp. 3–4'' identifies a written comment DOE has received and has included in the docket of this rulemaking. This particular notation refers to a

Joint Comment asserted that ASHRAE's ''comprehensive review of all EPCA-related standards which culminated in issuance of ASHRAE 90.1–1999 triggers the required review by DOE of all EPCA standards based on ASHRAE 90.1'' Furthermore, the Joint Comment claimed that ASHRAE should not be permitted to shelter specific standards from DOE review by leaving them unchanged. However, the Joint Comment did not provide a rationale for DOE to reject the position taken in the March 2006 NOA and discussed above. Therefore, DOE does not believe the Joint Comment provided any information that would cause DOE to change its interpretation of EPCA as explained the March 2006 NOA and explained above. DOE rejects the Joint Comment's position.

Additionally, the Joint Comment suggested that if ASHRAE revises a standard for a subset of a product class, then DOE is required under EPCA to consider revised standards for the larger product class. For large commercial packaged boilers, the Joint Comment suggested that DOE is obligated to conduct a standards rulemaking instead of leaving the ASHRAE/IESNA Standard 90.1–1989 levels in place. The Joint Comment noted that when ASHRAE developed ASHRAE/IESNA Standard 90.1–1999, it examined efficiency levels for all packaged boilers, it created two product classes—''small boilers'' and ''large boilers''—and it set a new efficiency level for small boilers while leaving in place the existing level for large boilers. The Joint Comment asserted that ASHRAE's revision of efficiency levels for the newly created product class of ''small boilers'' triggers a review of the entire category of packaged boilers as defined by EPCA. The Joint Comment further contended that DOE's proposed position that it lacks authority to review the standard level for large boilers means that ASHRAE has unfettered power to create new classes of equipment and to shelter them from DOE review and from higher national standards. This, they contended, would conflict with the intent of EPCA that ASHRAE have the lead in developing higher standards for certain equipment, but that these standards are subject to DOE review. (Joint Comment, No. 27, pp. 3–4) However, based on the language of EPCA (42 U.S.C. 6313 (a)(6)(A)(i)), discussed above, DOE finds no basis for accepting the Joint Comments' contention that ASHRAE's revision of efficiency levels for a product class or subclass triggers a review by DOE of the standards for that entire product category.

In sum, DOE does not believe the Joint Comment provides a basis for DOE to conclude that the interpretation presented in the March 2006 NOA (71 FR 12634) was incorrect. Accordingly, since ASHRAE did not amend the efficiency levels in ASHRAE/IESNA Standard 90.1–1999 for large commercial packaged boilers or gas-fired IWHs, DOE concludes it does not have the authority to increase the current standard levels for such equipment.

B. Small Commercial Packaged Boilers (Greater Than 300,000 British Thermal Units Per Hour and Less Than or Equal to 2.5 Million British Thermal Units Per Hour)

EPCA prescribes a minimum combustion efficiency of 80 percent for gas-fired commercial packaged boilers and 83 percent for oil-fired commercial packaged boilers, regardless of capacity. (42 U.S.C. 6313(a)(4)(C)–(D)) ASHRAE/IESNA Standard 90.1–1999 prescribes for small boilers (greater than 300 thousand Btu/h and less than or equal to 2.5 million Btu/h) thermal efficiency levels of 75 percent for gas-fired equipment and 78 percent for oil-fired equipment. In January 2001, when it adopted as Federal standards certain efficiency levels in ASHRAE/IESNA Standard 90.1–1999, DOE stated that it would evaluate whether standard levels higher than those in ASHRAE/IESNA Standard 90.1–1999 are justified for small commercial packaged boilers. 66 FR at 3336–38, 3349–52.

In the March 2006 NOA, DOE tentatively concluded that the ASHRAE/IESNA Standard 90.1–1999 thermal efficiency levels for small commercial packaged boilers would have the effect of lowering minimum combustion efficiency levels required by EPCA by allowing increased energy consumption. 71 FR 12640. Thermal and combustion efficiency are related in that thermal efficiency is a function of both flue losses (*i.e.*, combustion efficiency) and jacket losses, although the amounts of these two types of losses in a given boiler can be independent of one another. DOE observed that the minimum thermal efficiency levels in ASHRAE/IESNA Standard 90.1–1999 appear to be lower than the average thermal efficiencies of boilers that minimally comply with the EPCA's combustion energy efficiency standards. 71 FR 12640. The practical consequence of setting thermal efficiency standards at levels lower than the thermal efficiencies of existing equipment would allow for the possibility of equipment having lower combustion efficiencies than EPCA permits, meaning that the current minimum required efficiency would be decreased in violation of 42 U.S.C. 6313(a)(6)(B)(ii)). Consequently, DOE stated in the March 2006 NOA that it was inclined to reject the ASHRAE/IESNA Standard 90.1–1999 levels for small commercial packaged boilers and leave the existing EPCA standards in place. 71 FR 12641

DOE did not receive any comments objecting to its rejection of the ASHRAE/IESNA Standard 90.1–1999 levels for small commercial packaged boilers, although the Joint Comment argued that DOE must move forward with a rulemaking for commercial boilers instead of leaving the ASHRAE/IESNA Standard 90.1–1989 levels in place as national standards for small packaged boilers. The Joint Comment noted that these standards are 17 years old, and claimed the March 2006 NOA and TSD demonstrate that more stringent levels for small commercial packaged boilers than those in ASHRAE/IESNA Standard 90.1–1999 are technologically feasible and economically justifiable. The Joint Comment also indicated that the magnitude of the potential energy savings for this equipment provides a more than ample reason for DOE to reexamine this standard. (Joint Comment, No. 27, p. 3)

While DOE agrees with the Joint Comment that the ASHRAE/IESNA Standard 90.1 levels for this equipment have been in place since 1989 and that more energy efficient equipment can save energy, the mere potential for energy savings does not justify a DOE rulemaking. As stated above, DOE is rejecting the amended ASHRAE/IESNA Standard 90.1–1999 efficiency levels for small commercial packaged boilers and believes that, consistent with section 342 in EPCA, the proper venue to consider more stringent standards for this equipment is the ASHRAE process itself. Moreover, as noted by the Joint Comment, ACEEE has recommended to ASHRAE that it amend ASHRAE/IESNA Standard 90.1 to adopt new, more stringent standards for this equipment. DOE commends ACEEE's initiative, and encourages ASHRAE to examine whether more stringent standards are warranted for this equipment.

Furthermore, DOE considered whether ASHRAE's action to reduce the standard for a class or type of commercial equipment would be a

comment (1) by the Joint Comment, (2) in document number 27 in the docket of this rulemaking (maintained in the Resource Room of the Building Technologies Program), and (3) appearing on page 3 and 4 of document number 27.

change in the standard that would trigger a DOE standards rulemaking. DOE has concluded that such an action by ASHRAE would not trigger a DOE rulemaking since EPCA is clear that DOE cannot change a standard to reduce its stringency. (42 U.S.C. 6313(a)(6)(B)(ii)) Both Part B for consumer products and Part C for commercial and industrial equipment direct that ''[t]he Secretary may not prescribe any amended standard * * * which increases the maximum allowable energy use, or decreases the minimum required energy efficiency * * *'' (42 U.S.C. 6295(o)(1) and 42 U.S.C. 6313 (a)(6)(B)(ii), respectively) It is a fundamental principle in EPCA's statutory scheme that DOE cannot amend standards downward; that is, weaken standards, from those that have been published as a final rule. *Natural Resources Defense Council* v. *Abraham,* 355 F.3d 179 (2nd Cir. 2004).

Therefore, DOE believes that in order to consider amended efficiency levels for this equipment, DOE must review the amended ASHRAE/IESNA Standard 90.1 to determine if it meets this EPCA requirement and if it does not meet this EPCA requirement, that is, if the efficiency levels in the amended ASHRAE/IESNA Standard 90.1 are less stringent than existing standards, DOE cannot further consider the amended efficiency levels. Accordingly, as stated in the March 2006 NOA, today's final rule will leave the existing EPCA standards in place for small commercial boilers.

C. Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps

Section 342(a)(3) of EPCA (42 U.S.C. 6313(a)(3)) and ASHRAE/IESNA Standard 90.1–1999 set forth energy conservation standards for PTACs and PTHPs, which are collectively referred to as PTAC/HPs in today's notice of final rulemaking. The energy conservation standards in ASHRAE/IESNA Standard 90.1–1999 vary based on the cooling capacity of the equipment.

EPCA prescribes a single formula for determining the minimum cooling efficiency (EER) for all PTAC/HPs and a single formula for computing the minimum heating efficiency (COP) for all PTHPs. In contrast, ASHRAE/IESNA Standard 90.1–1999 further delineates the product categories and consists of two sets of formulas for calculation of the energy conservation standards. One set is for PTAC/HPs with wall sleeves less than 16 inches high and 42 inches wide, and a label indicating the equipment is for replacement use, which ASHRAE/IESNA Standard 90.1–1999 classifies as ''replacement'' units. The other formula is for all other PTAC/HPs, which ASHRAE/IESNA Standard 90.1–1999 classifies as ''new construction'' units. The resulting minimum efficiency levels for ''replacement'' units are slightly higher than the EPCA levels, and the levels for ''new construction'' units are substantially higher than the EPCA levels. In addition, ASHRAE/IESNA Standard 90.1–1999 have slightly different requirements for the cooling modes of PTACs and PTHPs, whereas EPCA prescribes a single formula for air conditioners and heat pumps.

In the March 2006 NOA, DOE recognized that the market for PTACs and PTHPs has substantially changed since publication of the January 2001 final rule. 71 FR 12639. DOE stated in the March 2006 NOA that the market has changed to efficiency levels at or above the levels in ASHRAE/IESNA Standard 90.1–1999 in the absence of Federal standards. DOE examined the January 2003 Air-Conditioning and Refrigeration Institute (ARI) Directory for PTAC/HPs and found that 52 percent of the listed PTACs are at, or above, the ASHRAE/IESNA Standard 90.1–1999 efficiency level for new construction equipment, and 98 percent of the listed PTACs are at or above the ASHRAE/IESNA Standard 90.1–1999 efficiency level for replacement equipment. *Id.* In addition, DOE found that 72 percent of the listed PTHPs are at or above the ASHRAE/IESNA Standard 90.1–1999 efficiency level for new construction equipment and 99 percent of the listed PTHPs are at or above the ASHRAE/IESNA Standard 90.1–1999 efficiency level for replacement equipment. *Id.*

DOE also indicated in the March 2006 NOA that even though the potential energy savings in the revised analysis have been reduced, it believed there is a possibility of clear and convincing evidence that more stringent standard levels for PTACs and PTHPs would result in significant additional energy savings, and would be technologically feasible and economically justified. Therefore, DOE stated it was inclined to seek a more stringent standard level than in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs through the rulemaking process. 71 FR 12639.

DOE received several comments on the proposed decision to seek a more stringent standard level than the efficiency levels in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs. ARI commented that the technical information regarding DOE's analysis does not support moving forward with a separate rulemaking. ARI believes that 0.103 quads of potential energy savings in the TSD is significantly less than the 0.561 quads originally estimated by DOE for PTAC/PTHP, and that DOE should reject 0.103 quads saved over a 25-year period as being a ''significant'' amount of energy. Furthermore, ARI stated that manufacturers are voluntarily striving to meet ASHRAE/IESNA Standard 90.1–1999 requirements. However, ARI went on to note that close to 50 percent of the PTACs listed in the ARI directory are still rated below ASHRAE/IESNA Standard 90.1–1999 efficiency levels, which, in ARI's opinion, demonstrates the importance of establishing a national standard. (ARI, No. 26 at p. 2)

Even though the potential energy savings in DOE's revised analysis has been reduced, DOE believes there is a reasonable likelihood that more stringent standard levels for PTACs and PTHPs would result in significant energy savings and be technically feasible and economically justified. The estimated savings of 0.103 quads would be comparable to the savings resulting from some other efficiency standards established under EPCA. Furthermore, under section 325(o)(3)(B) of the Act, the Department is prohibited from adopting a standard for a product if that standard would not result in ''significant'' energy savings. While the term ''significant'' has never been defined in the Act, the U.S. Court of Appeals, in *Natural Resources Defense Council* v. *Herrington,* 768 F.2d 1355, 1373 (DC Cir. 1985), concluded that Congressional intent in using the word ''significant'' was to mean ''non-trivial.'' Therefore, based on the above, DOE does not agree with ARI's assertion and believes that the energy savings that could result from standards for PTACs and PTHPs, while not as large as the savings potential for some other standards, are significant and warrant consideration in a separate rulemaking. In addition, DOE believes there is a possibility that further evaluation of more stringent standard levels for PTACs and PTHPs are warranted, in part, because the market has changed, in the absence of Federal standards, to efficiency levels at or above the levels in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs.[10] 71 FR 12639.

DOE has therefore decided to explore more stringent efficiency levels than in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs through a separate rulemaking, which DOE expects to complete in August 2008.

[10] The price of electricity and forecasts of electricity prices, for example, have changed and more stringent standards than analyzed may prove to be economically justified.

(See Department of Energy Regulatory Agenda, RIN: 1904-AB44, 71 FR 73183, December 11, 2006)

The Edison Electric Institute (EEI) commented that DOE should take into account the refrigerant phaseout that starts in 2010 when considering higher standards for PTACs and PTHPs. EEI maintained that when the effects of the new refrigerants combined with the space limitations on this product are considered, they will have a significant impact on the efficiency levels that are available. (EEI, No. 25 at p. 2)

EEI commented that it is currently unaware of any PTAC or PTHP equipment that uses R–410A, the refrigerant being used to replace R–22 in other air-conditioning equipment. Therefore, EEI stated its belief that DOE will not have current data on baseline or high efficiency equipment that DOE can use to make a technical or economic judgment for a new efficiency standard. (EEI, No. 25 at p. 2)

ARI stated its concern that DOE's analysis focuses exclusively on units operating with R–22, a refrigerant that will be phased out on January 1, 2010. According to the EPACT timetable, any amended energy conservation standards for this equipment would come into effect no sooner than September 2012, well after the phaseout of R–22. Consequently, ARI stated that it does not believe that any of the efficiency data that DOE has collected for its analyses can be used when DOE is evaluating equipment using the new refrigerant, R–410A. (ARI, No. 26 at p. 3)

ARI cited several technical challenges that limit the opportunity to improve efficiencies in PTAC/PTHP equipment, including the availability of 60–Hz rotary compressors compatible with R–410A refrigerant. ARI commented that PTAC/PTHP equipment makes exclusive use of rotary compressors and the current production of a 60–Hz rotary compressor compatible with R–410A refrigerant is very limited. Further, according to ARI, the R–410A rotary compressors currently available are significantly less efficient than comparable R–22 rotary compressors. In addition, ARI stated its belief that the rotary compressor manufacturers have not made significant gains in energy efficiency due to design and manufacturing limitations. According to ARI, simulation analyses it conducted on the performance of package terminal air conditioners and heat pumps with R–410A have shown an overall decrease in efficiency (EER and COP) of between 6 to 10 percent (depending on the cooling capacity) compared to R–22 systems. This reduction can be mostly attributed to a reduction in compressor efficiency. DOE has not addressed whether higher standards using R410a are technically feasible. (ARI, No. 26 at p. 3)

The Joint Comment maintained that at least the same levels of efficiency could be achieved cost effectively with R–410A and R–134a as with R–22. The Joint Comment, citing a paper released by Trane, stated that there is no theoretical degradation of efficiency with R–134a because the refrigerant has a higher efficiency than R–22 with everything else being equal. However, the Joint Comment recognizes that R–410A has a modestly lower efficiency than R–22, but notes that R–410A allows the compressor and tubes to be smaller than R–22, providing space for increased heat transfer surfaces. According to the Joint Comment, this results in ''efficiency gains that can offset some or all of the inherent inefficiencies of R–410A.'' [11] (Joint Comment, No. 27 at p. 2) DOE recognizes this is a significant issue for stakeholders and will consider this issue in the PTAC/PTHP rulemaking, which will assess the technological feasibility of a more stringent energy conservation standard for this equipment.

As stated above, DOE will address more stringent standards for PTACs and PTHPs in a separate rulemaking. To analyze the technical feasibility of energy efficiency improvements of PTACs and PTHPs, which use R–22, DOE will first evaluate systems that use R–22 as a refrigerant because there is insufficient data to gauge the impacts of alternative refrigerants on system efficiency. DOE will then attempt to collect information on the alternative refrigerants. If DOE is unable to collect sufficient data or information to independently estimate the impacts of the refrigerant phaseout on equipment efficiency, DOE will request that stakeholders provide recommendations as to what assumptions DOE should use to represent the approximate incremental cost of switching to higher efficiency levels for this equipment as a result of using alternative refrigerants, for instance, R–410A.

[11] Previous refrigerant phaseouts, including the R–12 phaseout for domestic refrigerators, affected DOE standards rulemakings. In those rulemakings DOE attempted to assess the effects of the refrigerant phaseout and, the Joint Comment notes, there were theoretical reasons to believe that there would be a small reduction in efficiency due to the refrigerant change, but when the refrigerant changeover occurred, reductions in efficiency generally were not apparent.

D. Three-Phase Air Conditioners and Heat Pumps Less Than 65,000 British Thermal Units Per Hour

Energy conservation standards for split-system three-phase ACs and HPs with cooling capacities less than 65,000 Btu/h are 10.0 SEER for cooling (42 U.S.C. 6313(a)(1)(A)) and 6.8 HSPF for heating. (42 U.S.C. 6313(a)(1)(A) and (D)) Energy conservation standards for single-package three-phase ACs and HPs with cooling capacities less than 65,000 Btu/h are set forth in EPCA at a SEER of 9.7 for cooling (42 U.S.C. 6313(a)(1)(B)) and an HSPF of 6.6 for heating. (42 U.S.C. 6313(a)(1)(B) and (E)) The current energy conservation standards for single-package and split-system three-phase ACs and HPs with cooling capacities less than 65,000 Btu/h are found in Table 1 and Table 2 of section 431.97 of 10 CFR Part 431. These efficiency levels are the same as those in ASHRAE/IESNA Standard 90.1–1989.

In the March 2006 NOA, DOE recognized that ASHRAE was considering an Addendum to ASHRAE/IESNA Standard 90.1 (Addendum f) to provide a 13–SEER level for this equipment and stated that DOE would not take action on three-phase commercial air conditioners and heat pumps with capacities less than 65,000 Btu/h until after ASHRAE had completed its process. At that time, DOE stated that it intended to adopt as Federal standards the 13 SEER and 7.7 HSPF levels in ASHRAE/IESNA Standard 90.1–2004 Addendum f. 71 FR 12634, 12637–38, 12643.

Subsequent to the publication of the March 2006 NOA, DOE reexamined the amendments in EPACT 2005 to EPCA for commercial package air conditioning and heating equipment and determined that EPACT 2005 had revised the language in 42 U.S.C. 6313(a)(6)(A)(i) to limit DOE's authority to adopt ASHRAE amendments for small, large, and very large commercial package air conditioning and heating equipment until after January 1, 2010. Three-phase commercial ACs and HPs less than 65,000 Btu/h, fall under the definition of small commercial package air conditioning and heating equipment (42 U.S.C. 6311(8)(B)), and therefore are subject to the revised statutory language of EPACT 2005.

Prior to the enactment of EPACT 2005, for small and large commercial package air conditioning and heating equipment, any amendment of ASHRAE/IES Standard 90.1, as in effect on October 24, 1992 (the date of enactment of the Energy Policy Act of 1992), would trigger DOE action for

adopting amended uniform national standards for this equipment. However, EPACT 2005 changed the October 24, 1992, date for this equipment, so that only an amendment of ASHRAE/IES Standard 90.1 as in effect on January 1, 2010, would trigger DOE action to adopt amended uniform national standards for these products. (42 U.S.C. 6313(a)(6)(A)(i)) This revised statutory requirement, on its face, precludes DOE from adopting the efficiency levels in Addendum f to ASHRAE/IESNA Standard 90.1–2004 for three-phase commercial ACs and HPs less than 65,000 Btu/h at this time. The revised provision states:

> If ASHRAE/IES Standard 90.1, *as in effect on January 1, 2010*, is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, and very large commercial package air conditioning and heating equipment * * * the Secretary shall establish an amended uniform national standard for that product at the minimum level for each effective date specified in the amended ASHRAE/IES Standard 90.1[.]

(42 U.S.C. 6313(a)(6)(A)(i)) (Emphasis added.) Because of this statutory change, it is outside the scope of DOE's authority to adopt these ASHRAE/IESNA Standard 90.1 levels at this time. Three-phase ACs and HPs less than 65,000 Btu/h are within the small commercial packaged air conditioning and heating equipment product categories listed in the clause that contains the January 1, 2010 date. (42 U.S.C. 6313 (a)(6)(A)(i)) Addendum f to ASHRAE/IESNA Standard 90.1–2004 was adopted on April 1, 2006, and in effect prior to January 1, 2010, the date before which DOE has no authority to consider adoption of an ASHRAE amendment affecting this equipment.

Subsection (a)(1)(A)–(B) establishes statutory standards for certain small commercial air conditioning and heating equipment that is manufactured after January 1, 1994, but before January 1, 2010. (42 U.S.C. 6313(a)(1)(A)–(B)) These standards are applicable to three-phase air conditioners and heat pumps less than 65,000 Btu/h, as well as SPVU's less than 65,000 Btu/h, discussed in Section II.E below.

While EPACT 2005 set standards for certain small, large, and very large commercial package air conditioning and heating equipment manufactured on or after January 1, 2010 (42 U.S.C. 6313 (7)–(9)), Congress did not provide standards for either three-phase air conditioning and heat pumps less than 65,000 Btu/h or SPVUs less than 65,000 Btu/h manufactured on or after January 1, 2010. Congress, however, did give DOE explicit rulemaking authority to consider and adopt more stringent standards for three-phase air conditioning and heat pumps less than 65,000 Btu/h and SPVUs less than 65,000 Btu/h, along with large and very large commercial package air conditioning and heating equipment, if ASHRAE/IESNA Standard 90.1 is not amended during the five-year period beginning on the effective date of a standard. (42 U.S.C. 6313(a)(6)(A)(ii)) The criteria for such a rulemaking are described in 42 U.S.C. 6313(a)(6)(B)(i)–(ii).

EPACT 2005 gives DOE authority to initiate a rulemaking ''[i]f ASHRAE/IES Standard 90.1 is not amended * * * during the 5-year period beginning on the effective date of a standard,'' but Congress does not define the term ''effective date of a standard.'' Since the effective date of the statutory standards in EPACT 2005 is the date of enactment of the legislation, that is, August 8, 2005, DOE interprets the five-year waiting period to begin on August 8, 2005. Therefore, EPACT 2005 provides ASHRAE from January 2, 2010, until August 8, 2010, to amend ASHRAE/IESNA Standard 90.1 on its own in order to trigger DOE action. After August 8, 2010, DOE may initiate its own rulemaking to set more stringent standards for this equipment.

Thus, the text of EPCA clearly prohibits amendments to the standards for small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, and very large commercial package air conditioning and heating equipment until after January 1, 2010.

E. Single-Package Vertical Air Conditioners and Single-Package Vertical Heat Pumps Less Than 65,000 Btu/h

On June 2, 2002, ASHRAE published Addendum d to ASHRAE/IESNA Standard 90.1–1999, which incorporated efficiency levels for SPVUs. In the March 2006 NOA DOE stated that it was not able to adopt as Federal requirements the standards and test procedures in Addendum d for SPVUs for the following reasons: (1) Taking into account the ''Exclusions'' in the Scope section of ARI Standard 390–2001, the Addendum appeared to prescribe requirements for few if any of the equipment covered by EPCA; neither Addendum d nor any other provision of ASHRAE/IESNA Standard 90.1 defines or describes SPVUs; (2) assuming Addendum d did prescribe standards and test procedures for SPVUs covered by EPCA, the addendum did not clearly delineate SPVUs according to the statutory scheme set forth in EPCA, and disregarded EPCA's definitions and classifications for commercial air-conditioning equipment; and (3) to the extent it addressed equipment covered by EPCA, the addendum appeared to contain efficiency levels for some categories of equipment that were lower than the minimum efficiency standards currently required under EPCA. 71 FR 12643. DOE formally rejected Addendum d for reasons summarized above and submitted a formal comment to ASHRAE during the public review period. (Michael J. McCabe letter to Mr. Karim Amrane, Air-Conditioning and Refrigeration Institute, dated July 25, 2003).

In response to DOE's comment and in rejection of Addendum d, ASHRAE adopted Addendum b to ASHRAE/IESNA Standard 90.1–2004 (Addendum b). Addendum b redefined both SPVACs and SPVHPs from the definition provided in Addendum d to include encased air-cooled small or large commercial package air-conditioning and heating equipment. In addition, Addendum b created SPVU equipment categories corresponding to the existing cooling capacities in EPCA for commercial package air-conditioning and heating equipment (*i.e.*, less than 65,000 Btu/h, greater than or equal to 65,000 but less than 135,000 Btu/h, and greater than or equal to 135,000 but less than 240,000 Btu/h). Addendum b also adopted a revised set of efficiency levels for three categories of SPVUs. These amended energy conservation standards in Addendum b use EER and COP descriptors to provide SPVU efficiency levels in a manner consistent with other commercial HVAC equipment, thus eliminating the use of the common residential central AC and HP descriptors of SEER and HSPF.

In the March 2006 NOA, DOE considered the potential energy savings for efficiency levels higher than those in Addendum b for SPVU equipment and requested comments on the appropriateness of adopting Addendum b efficiency levels for SPVUs less than 65,000 Btu/h. 71 FR 12634, 12638, 12646. After the publication of the March 2006 NOA, DOE reexamined the amendments in EPACT 2005 to EPCA for commercial package air conditioning and heating equipment. As noted above, DOE determined that EPACT 2005 had revised the language in 42 U.S.C. 6313(a)(6)(A)(I,) to limit DOE's authority to adopt ASHRAE amendments for small, large, and very large commercial package air conditioning and heating equipment until after January 1, 2010.

SPVUs less than 65,000 Btu/h fall under the definition of small commercial package air conditioning and heating equipment. (42 U.S.C. 6311(8)(A)). Any SPVU with cooling capacities below 760,000 Btu/h would fit within the product categories listed in the clause that contains the January 1, 2010, date. (42 U.S.C. 6313(a)(6)(A)(i)) Accordingly, for the reasons stated above in Section II.D above, DOE has concluded that it cannot adopt the efficiency levels in Addendum b to ASHRAE/IESNA Standard 90.1–2004 for SPVUs less than 65,000 Btu/h, contrary to its stated intentions in the March 2006 NOA, because it is outside the scope of DOE's authority to adopt the ASHRAE/IESNA Standard 90.1 levels at this time for this equipment.

F. Single-Package Vertical Air Conditioners and Single-Package Vertical Heat Pumps Greater Than or Equal to 65,000 Btu/h and Less Than 240,000 Btu/h

In the March 2006 NOA, DOE stated that EPCA's energy efficiency standards for commercial packaged air conditioners and heat pumps implicitly cover SPVUs greater than or equal to 65,000 Btu/h and less than 240,000 Btu/h, and, specifically, the standards added to EPCA by EPACT 2005 apply to these larger units. DOE also stated that the rule under consideration in the March 2006 NOA only addressed SPVUs less than 65,000 Btu/h. 71 FR 12634, 12638.

DOE received several comments regarding its conclusion that SPVUs with larger capacities are covered under the standards specified by EPACT 2005. ARI disagreed with DOE's position, and argued that Addendum b to ASHRAE/IESNA Standard 90.1–2004 established a new product class for SPVUs in 2002 (three years before enactment of EPACT 2005); that DOE started a rulemaking on SPVUs well before EPACT 2005 was enacted into law according to the semi-annual regulatory agendas published in 2003 and 2004; and that the minimum efficiency standards for small, large, and very large commercial air conditioners established by EPACT 2005 were never intended to apply to SPVUs. (ARI, No. 26 at p. 5) Contrary to ARI's belief, the Joint Comment agreed with DOE's position as summarized in the March 2006 NOA and further argued that the EPACT 2005 standards for commercial unitary air-conditioning and heating equipment cover SPVUs with cooling capacities greater than or equal to 65,000 Btu/h. (Joint Comment, No. 27 at p. 4)

DOE is not persuaded by ARI's comment that the conclusion presented in the March 2006 NOA is incorrect and that SPVUs with cooling capacities greater than or equal to 65,000 Btu/h were not meant to be covered by EPACT 2005 levels and, instead, should be required to meet the lower standards found in Addendum b. The definition in EPACT 2005 for large commercial package air conditioning and heating equipment covers commercial packaged air-conditioning and heating equipment with cooling capacities greater than or equal to 65,000 Btu/h and less than 760,000 Btu/h, which would include SPVUs. Although the term SPVU itself is not used in EPCA, all SPVUs, regardless of cooling capacity, come within the definitions of small, large and very large commercial packaged air-conditioning and heating equipment. (42 U.S.C. 6311(8)(A)–(D). There is no language in EPCA to indicate that SPVUs are a separate product and should be subject to different energy conservation standards than in EPACT 2005. EPACT 2005 set energy efficiency standards for small, large and very large commercial package air conditioning and heat equipment, effective for equipment manufactured on or after January 1, 2010. (42 U.S.C. 6313(a)(7)–(9). Since EPACT 2005 set such standards, DOE must follow them. DOE cannot ignore the statutory standards. Only a legislative change could accomplish the result requested by ARI.

Bard commented that larger SPVUs (greater than 65,000 Btu/h) cannot be manufactured to meet the statutory standards in EPACT 2005 due to their geometry. (Bard, No. 29 at p. 4) In response, DOE notes that absent a legislative change, the only relief from these statutory standards is in the form of exception relief. The DOE Organization Act (DOEOA) authorizes DOE to grant exception relief. DOEOA section 504(a), 42 U.S.C. 7194(a). The DOEOA permits adjustments to any rule, regulation or order ''as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens * * *'' *Id.* Manufacturers may apply for exception relief by following DOE's procedural regulations in 10 CFR Part 1003, Subparts B and C.

Accordingly, in today's final rule, consistent with the March 2006 NOA, DOE is affirming that the EPACT 2005 efficiency levels, as codified in § 431.97(b) of 10 CFR Part 431, apply to SPVUs greater than or equal to 65,000 Btu/h and less than 760,000 Btu/h.

III. Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, Proper Consideration of Small Entities in Agency Rulemaking, 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of General Counsel's Web site: *http://www.gc.doe.gov.*

DOE reviewed today's final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. 68 FR 7990. This final rule does not impose any requirement on any entities, including small entities. Therefore, DOE certifies that today's action will not have a significant economic impact on a substantial number of small entities, and no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act of 1995

This rule imposes no new information or recordkeeping requirements. Accordingly, Office of Management and Budget clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

EPCA provides that if ASHRAE/IESNA Standard 90.1 is amended, the Secretary must adopt the amended efficiency requirements in ASHRAE/IESNA Standard 90.1 for covered equipment, unless the Secretary determines that certain conditions for requiring more stringent standards are met, or the amendment would increase the maximum allowable energy use or decrease the minimum required energy efficiency of a covered product or would result in the unavailability of a product

type in the United States. (42 U.S.C. 6313(a)(6)(A) and (B))

For the reasons discussed in II. above, DOE has concluded that it lacks authority to pursue higher standards for gas-fired instantaneous water heaters and large commercial packaged boilers. For small commercial packaged boilers with capacities greater than 300,000 Btu/h and less than or equal to 2.5 million British thermal units per hour, DOE is declining to adopt revised efficiency standards contained in the ASHRAE/IESNA Standard 90.1–1999 because they are not as stringent as those prescribed by EPCA. In addition, DOE has decided to conduct a separate rulemaking to consider whether standards at higher levels than those in the ASHRAE/IESNA Standard 90.1–1999 are warranted for packaged terminal air conditioners and packaged terminal heat pumps. Finally, DOE has concluded it does not have the authority to adopt, as uniform national standards, efficiency standards contained in Addenda f and Addenda b, respectively, to ASHRAE/IESNA Standard 90.1–2004 for three-phase commercial air conditioners and heat pumps with cooling capacities less than 65,000 British thermal units per hour, and single-package vertical air conditioners and single-package vertical heat pumps with cooling capacities less than 65,000 Btu/h.

Accordingly, to the extent that DOE lacks discretion to adopt the amended ASHRAE/IESNA Standard 90.1, NEPA does not apply. Moreover, because the final rule prescribing no new energy efficiency standards and would not change the environmental effect of compliance with 10 CFR Part 431, the Department has determined that this rule is, in any event, covered under the Categorical Exclusion found at paragraph A5 of Appendix A, 10 CFR Part 1021, which applies to rulemaking interpreting an existing rule or regulation with no change in environmental effect. Therefore, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in developing such regulations. 65 FR 13735. DOE is prescribing no new standards and imposing no other requirements in this rulemaking. Therefore, this final rule does 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.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996) imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. As a result of its analysis of the evidence and the law, DOE has decided not to prescribe amended standards for the equipment covered in this rulemaking. Because it is not imposing any requirement on any person or entity, Executive Order 12988 does not apply to this rulemaking.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. For a proposed regulatory action likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA (62 FR 12820) (also available at *http://www.gc.doe.gov*). This final rule prescribes no standards or other requirements, so these requirements under the UMRA do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988) that this regulation would not result in any takings which might require compensation under the Fifth Amendment to the United States Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) requires agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by the Office of Management and Budget (OMB). OMB's guidelines were published at 67 FR 8452 (February 22, 2002); DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's notice under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the proposal were implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This final rule is not a significant regulatory action under Executive Order 12866 or any successor order, and because DOE is imposing no requirements in this final rule, it will not have a significant adverse effect on supply, distribution, or use of energy, and has not been designated by the Administrator of OIRA as a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that it has been determined that the rule is not a ''major rule,'' as defined by 5 U.S.C. 804(2).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's final rule.

Issued in Washington, DC, on February 28, 2007.

Alexander A. Karsner,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. E7–3819 Filed 3–6–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25261; Directorate Identifier 2006–CE–38–AD; Amendment 39–14971; AD 2007–05–10]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) for certain Cessna Aircraft Company (Cessna) Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H airplanes. This AD requires you to install Modification Kit MK172–25–10C or a steel lock rod/bar on both crew seat back cylinder lock assemblies. If a steel lock rod/bar has already been installed on the crew seat back cylinder lock assembly, no further action is required. If you have already installed Modification Kit MK172–25–10A or MK172–25–10B, this AD requires you to do an installation inspection and correct any discrepancies found. This AD results from reports of the crew seat back cylinder lock assembly failing at the aft end and other cylinder lock assemblies found cracked. We are issuing this AD to prevent the crew seat back cylinder lock assembly from bending, cracking, or failing. This failure could cause uncontrolled movement of the seat back, resulting in possible backward collapse during flight. Backward collapse of either crew seat back could result in an abrupt pitch-up if the affected crew member continues to hold on to the control yoke during this failure and could cause difficulty in exiting the airplane from an aft passenger seat after landing.

DATES: This AD becomes effective on April 11, 2007.

As of April 11, 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 Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, KS 67277; telephone: (316) 517–5800; fax: (316) 942–9006.

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–2006–25261; Directorate Identifier 2006–CE–38–AD.

FOR FURTHER INFORMATION CONTACT: Gary Park, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4123; facsimile: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Discussion

On August 3, 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 Cessna Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 9, 2006 (71 FR 45454). The NPRM proposed to require you to install a modification kit on both crew seat back cylinder lock assemblies, which replaces the cylinder lock with a new model cylinder lock, or install a steel lock rod/bar on both crew seat back cylinder lock assemblies. The NPRM also proposed to require you to do an installation inspection on previously installed modification kits and correct any discrepancies found.

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: Need AD To Resolve Crew Seat Problem

Michael A. Zaite states that having flown a number of Cessna airplanes, he has experienced this problem first hand and supports the AD.

The Cessna Pilots Association (CPA) also supports the AD. The CPA states

one of two methods can permanently resolve the issue. Installing a solid bar thereby preventing any further aft movement of the seat back or installing Modification Kit MK172–25–10C are both acceptable solutions for the collapsing seat back issue.

We agree with Mr. Zaite and the CPA. Both of these methods are allowable in the AD. We are not changing the final rule AD action.

Comment Issue No. 2: Publish the Manufacturer Service Information

Jack Buster with the Modification and Replacement Parts Association (MARPA) provides comments on the AD process pertaining to how the FAA addresses publishing manufacturer service information as part of a proposed AD action. The commenter states that the proposed rule attempts to require compliance with a public law by reference to a private writing (as referenced in paragraph (e) of the proposed AD). The commenter would like the FAA to incorporate by reference (IBR) the Cessna service bulletins.

We agree with Mr. Buster. However, we do not IBR any document in a proposed AD action, instead we IBR the document in the final rule. Since we are issuing the proposal as a final rule AD action, Cessna Single Engine Service Bulletin SB04–25–01, Revision 4, dated December 26, 2006, Cessna Single Engine Service Bulletin SB04–25–02, Revision 1, dated October 17, 2005, and Cessna Single Engine Service Bulletin SB04–25–02, Revision 2, dated June 5, 2006, are incorporated by reference.

Comment Issue No. 3: Availability of IBR Documents in the Docket Management System (DMS)

Mr. Buster requests IBR documents be made available to the public by publication in the **Federal Register** or in the DMS.

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.

Comment Issue No. 4: Could the Seats Be Installed on Other Cessna Model Airplanes

The International Cessna 170 Association states a concern that the affected seats may be installed on other airplanes. Many operators of Cessna airplanes find seats of later models desirable due to features subsequently added by manufacturers, i.e., recline/height-adjustment/mechanisms. The commenter also states that these seats usually have similar, if not identical, attachment to floor tracks and airframes; therefore, the possibility exists for installing the seats from the same manufacturer on other models of airplanes. These models may include Cessna 170, 170A, and 170B airplanes.

The commenter requests the applicability of the AD be specific to the crew seat model/part-number and not the airplane models.

Although it may be possible to install these seats on other Cessna airplane models, we are not aware of any such installations. In addition, the modification to the seat rails and other airplane configuration changes that would be required to install these seats would make any installation unlikely. We will continue to monitor this situation and, if we receive information from owner/operators indicating these seats are being installed on other airplanes, we will consider additional rulemaking on this subject.

We are not changing the final rule AD action based on this comment.

Comment Issue No. 5: Incorporate Revised Service Information

Cessna Aircraft Company states that reports of five additional seat back failures have been received since issuing Service Bulletin SB04–25–01, Revision 3, dated July 24, 2006.

It was also determined that incorporating Modification Kit MK172–25–10B on Models 206H and T206H airplanes equipped with an optional Keith Products, L.P. air conditioner system (installed in accordance with Supplemental Type Certificate SA10144SC) was impossible.

Cessna has issued Revision 4 to Service Bulletin SB04–25–01, dated December 26, 2006, which incorporates Modification Kit MK172–25–10C to address this issue.

We are changing the final rule AD action to incorporate Cessna Single Engine Service Bulletin SB04–25–01, Revision 4, dated December 26, 2006, which references Modification Kit MK172–25–10C.

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 will affect 4,039 airplanes in the U.S. registry. We provide below total fleet costs for both the modification and the steel lock rod/bar installation; however, only one of these actions will be required.

We estimate the following costs to do the installation of the modification kit:

Labor cost	Parts cost for both seats	Total cost per airplane for both seats	Total cost on U.S. operators
3.5 work-hours × $80 per hour = $280 for each modification kit.	$590 for each modification kit. One modification kit required for each airplane. Total parts cost for both seats is $590.	$870	$3,513,930

We estimate the following costs to do the fabrication and installation of a steel lock rod/bar:

Labor cost	Parts cost for both seats	Total cost per airplane for both seats	Total cost on U.S. operators
1.5 work-hours × $80 per hour = $120 for each crew seat. Total labor cost for both seats is $240.	Not applicable	$240	$969,360

We estimate the following costs to do the installation inspection on airplanes that have Modification Kit MK172–25–10A or MK172–25–10B installed:

Labor cost	Parts cost for both seats	Total cost per airplane for both seats
1 work-hour × $80 per hour = $80 for both crew seats	Not applicable	$80

We have no method of determining the number of airplanes that may have Modification Kit MK172–25–10A or MK172–25–10B previously installed.

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–2006–25261; Directorate Identifier 2006-CE–38-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:

2007–05–10 Cessna Aircraft Company: Amendment 39–14971; Docket No. FAA–2006–25261; Directorate Identifier 2006–CE–38–AD.

Effective Date

(a) This AD becomes effective on April 11, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD affects the following airplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
172R	17280001 through 17281262.
172S	172S8001 through 172S9994.
182S	18280001 through 18280944.
182T	18280945 through 18281701.
T182T	T18208001 through T18208453.
206H	20608001 through 20608250.
T206H	T20608001 through T20608570.

Unsafe Condition

(d) This AD results from reports of the crew seat back cylinder lock assembly failing at the aft end area and other cylinder lock assemblies found cracked. The actions specified in this AD are intended to prevent the crew seat cylinder lock assembly from bending, cracking, or failing. This failure could cause uncontrolled movement of the seat back, resulting in possible backward collapse during flight. Backward collapse of either crew seat back could result in an abrupt pitch-up if the affected crew member continues to hold on to the control yoke during this failure and could cause difficulty in exiting the airplane from an aft passenger seat after landing.

Compliance

(e) To address this problem, you must do the following, unless already done:

(1) *Airplanes that do not have Modification Kit MK172–25–10A or Modification Kit MK172–25–10B installed:*

Actions	Compliance	Procedures
For each crew seat (pilot and copilot), install Modification Kit MK172–25–10C or fabricate and install a steel lock rod/bar.	*For airplanes that have over 1,000 hours time-in-service (TIS) on the effective date of this AD:* do the action within the next 4 months after April 11, 2007 (the effective date of this AD). *For airplanes that have from 501 to 1,000 hours TIS on the effective date of this AD:* do the action within the next 8 months after April 11, 2007 (the effective date of this AD). *For airplanes that have from 0 to 500 hours TIS on the effective date of this AD:* do the action within the next 12 months after April 11, 2007 (the effective date of this AD).	Follow Cessna Single Engine Service Bulletin SB04–25–01, Revision 4, dated December 26, 2006, for installing Modification Kit MK172–25–10C. Follow Cessna Single Engine Service Bulletin SB04–25–02, Revision 1, dated October 17, 2005, or Revision 2, dated June 5, 2006, for fabricating and installing a steel lock rod/bar.

(2) *Airplanes that have Modification Kit MK172–25–10A or Modification Kit MK172–25–10B installed:*

Action	Compliance	Procedures
(i) For each crew seat (pilot and copilot), do an installation inspection.	Within the next 30 days after April 11, 2007 (the effective date of this AD).	Follow Cessna Single Engine Service Bulletin SB04–25–01, Revision 4, dated December 26, 2006.
(ii) If you do not find any discrepancies during the inspection required in paragraph (e)(2)(i) of this AD, make a log book entry showing compliance with this AD and no further action is required.	Before further flight after the inspection required in paragraph (e)(2)(i) of this AD.	Follow Cessna Single Engine Service Bulletin SB04–25–01, Revision 4, dated December 26, 2006.
(iii) If you find discrepancies during the inspection required in paragraph (e)(2)(i) of this AD, make all necessary corrective actions.	Before further flight after the inspection required in paragraph (e)(2)(i) of this AD.	Follow Cessna Single Engine Service Bulletin SB04–25–01, Revision 4, dated December 26, 2006.

Note: Although not required for the airplanes affected by this AD, you may replace the steel lock rod/bar with Modification Kit MK172–25–10C.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Wichita Aircraft Certification Office, FAA, ATTN: Gary Park, Aerospace Engineer, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4123; facsimile: (316) 946–4107, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(g) You must use Cessna Single Engine Service Bulletin SB04–25–01, Revision 4, dated December 26, 2006; and Cessna Single Engine Service Bulletin SB04–25–02, Revision 1, dated October 17, 2005, or Revision 2, dated June 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 this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, KS 67277; telephone: (316) 517–5800; fax: (316) 942–9006.

(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 26, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–3834 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26693 Directorate Identifier 2006–CE–90–AD; Amendment 39–14970; AD 2007–05–09]

RIN 2120–AA64

Airworthiness Directives; REIMS AVIATION S.A. Model F406 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:

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

There were two different landing gear actuator designs installed on the Model F406 airplanes (Teijin Seiki and Cessna). The actuators used different locking devices to retain the spherical rod-end to the actuator rod. Use of the incorrect locking device could allow the spherical rod-end to disconnect from the actuator rod. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective April 11, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 11, 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: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

This 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 January 8, 2007 (72 FR 672). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

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

The MCAI requires:

> As Main Landing Gear (MLG) actuator rod locking devices are similar to the NLG ones, then MLG actuator locking devices shall also be inspected.
>
> This AD requires inspection of the NLG and MLG locking devices and as requested their replacement to comply with the manufacturer's approved design.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

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 described in a separate paragraph of the AD, and take precedence over the actions copied from the MCAI.

Costs of Compliance

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

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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:

2007–05–09 REIMS AVIATION S.A.: Amendment 39–14970; Docket No. FAA–2006–26693; Directorate Identifier 2006–CE–90–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 11, 2007.

Affected ADs

(b) None.

Applicability

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

Reason

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

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

There were two different landing gear actuator designs installed on the Model F406 airplanes (Teijin Seiki and Cessna). The actuators used different locking devices to retain the spherical rod-end to the actuator rod. Use of the incorrect locking device could allow the spherical rod-end to disconnect from the actuator rod, and consequently the landing gear could collapse.

Actions and Compliance

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

(1) Within 3 months or 100 hours time-in-service (TIS) after April 11, 2007 (the effective date of this AD), whichever occurs first:

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

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

(iii) *For airplanes with Teijin Seiki Main Landing Gear (MLG) P/N 9910136–8:* inspect the MLG for conformity with the key lock system installation description in Figure 3 of the REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 2005; and

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

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

FAA AD Differences

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

Other FAA AD Provisions

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

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

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

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

Related Information

(g) Refer to MCAI Direction générale de l'aviation civile AD No. F–2005–065, dated April 27, 2005, for related information.

Material Incorporated by Reference

(h) You must use REIMS AVIATION INDUSTRIES Service Bulletin No. F406–56, dated April 12, 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 REIMS AVIATION INDUSTRIES, Aérodrome de Reims Prunay, 51360 Prunay, France, A l'attention du Support Client; telephone: 03.26.48.46.53; fax: 03.26.49.18.57.

(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 23, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–3835 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27308; Directorate Identifier 2007–NE–06–AD; Amendment 39–14977; AD 2007–05–16]

RIN 2120–AA64

Airworthiness Directives; General Electric Aircraft Engines (GE) CF34–3A1/–3B/–3B1 Turbofan Engines

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

ACTION: Final rule; request for comments.

SUMMARY: This action supersedes emergency airworthiness directive (AD) 2007–04–51 that was sent previously to all known U.S. owners and operators of GE CF34–3A1/–3B/–3B1 turbofan engines. That action required a onetime visual and tactile inspection of certain areas of certain serial number (SN) fan disks for an arc-out defect, within 20 engine flight hours after the effective date of that AD. This AD supersedes AD 2007–04–51 and adds eight SNs to the list of suspect fan disks. This AD results from GE discovering eight additional SNs of fan disks suspected of having an arc-out defect, and from the original report that a GE CF34–3B1 turbofan engine experienced an uncontained fan disk failure during flight operation. We are issuing this AD to prevent an uncontained fan disk failure and airplane damage.

DATES: This AD becomes effective March 12, 2007. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 12, 2007.

We must receive any comments on this AD by May 7, 2007.

ADDRESSES: Use one of the following addresses to comment on this AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building,

400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672–8400, fax (513) 672–8422 for the service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tara Chaidez, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803, e-mail: *tara.chaidez@faa.gov;* telephone (781) 238–7773; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On February 16, 2007, the FAA issued emergency AD 2007–04–51, that applies to GE CF34–3A1/–3B/–3B1 turbofan engines. That AD requires a onetime visual and tactile inspection of certain areas of certain SN fan disks, within 20 engine flight hours after the effective date of that AD. That AD resulted from a report that a GE CF34–3B1 turbofan engine experienced an uncontained fan disk failure during flight operation. After landing the airplane, an inspection of the GE CF34–3B1 engine showed the front section of the engine failed, resulting in the fan, forward cowlings, and fan reverser departing from the engine. The airplane sustained minor fuselage damage. A subsequent inspection of the recovered segments of the fan disk found an electrical arc-out defect at the fracture origin site. The fan disk was marked using the electro-chemical etch marking (ECM) procedure during engine assembly. If the ECM procedure is performed incorrectly, an arc-out defect can occur. This arc-out defect, caused during part marking, resulted in the uncontained failure.

This condition, if not corrected, could result in an uncontained fan disk failure and airplane damage. Since emergency AD 2007–04–51 was issued, GE discovered eight additional SNs of fan disks suspected of having an arc-out defect.

Relevant Service Information

We have reviewed and approved the technical contents of GE Alert Service Bulletin (ASB) No. CF34–BJ S/B 72–A0213, dated February 15, 2007, and Revision 1, dated February 27, 2007, and GE ASB No. CF34–AL S/B 72–A0232, dated February 15, 2007, and Revision 1, dated February 27, 2007, that describe procedures for visual and tactile inspection of certain areas of certain SN fan disks suspected of having an arc-out defect.

FAA's Determination and Requirements of This AD

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, we are issuing this AD to supersede emergency AD 2007–04–51 and to prevent an uncontained fan disk failure and airplane damage. This AD requires a onetime visual and tactile inspection of certain areas of certain SN fan disks for an arc-out defect, within 20 engine flight hours after the effective date of this AD. You must use the service information described previously to perform the actions required by this AD.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists to make the AD effective immediately to all known U.S. owners and operators of GE CF34–3A1/–3B/–3B1 turbofan engines. We are publishing the AD in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Code of Federal Regulations (14 CFR part 39) to make it effective to all persons.

Interim Action

These actions are interim actions and we may take further rulemaking actions in the future.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''AD Docket No. FAA–2007–27308; Directorate Identifier 2007–NE–06–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

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

Examining the 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.

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 the regulation:

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

We prepared a 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

■ 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 adding the following new airworthiness directive:

2007–05–16 General Electric Aircraft Engines: Amendment 39–14977. Docket No. FAA–2007–27308; Directorate Identifier 2007–NE–06–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 12, 2007.

Affected ADs

(b) This AD supersedes emergency AD 2007–04–51.

Applicability

(c) This AD applies to General Electric Aircraft Engines (GE) CF34–3A1/-3B/-3B1 turbofan engines that have fan disks with serial numbers (SNs) listed in Table 1 of this AD.

TABLE 1.—FAN DISK SNS AND LAST KNOWN ASSOCIATED ENGINE SERIAL NUMBER (ESN)

SN (Fan Disk)	ESN (current)
GEE148JH	872787
GEE01629	807168
GEE01888	807188
GEE147MF	807620
GEE147NA	807622
GEE147V5	807624
GEE147VC	807625
GEE148JG	807633
GEE145LL	872526
GEE145NK	872545
GEE1466F	872563
GEE1466L	872568
GEE146H3	872599
GEE146KD	872604
GEE146N7	872634
GEE147N7	872705
GEE147N8	872709

TABLE 1.—FAN DISK SNS AND LAST KNOWN ASSOCIATED ENGINE SERIAL NUMBER (ESN)—Continued

SN (Fan Disk)	ESN (current)
GEE14818	872727
GEE14815	872730
GEE1480J	872731
GEE1485J	872745
GEE1480F	872750
GEE14885	872763
GEE148EJ	872780
GEE148FT	872785
GEE148ER	872790
GEE148PN	872804
GEE148RN	872811
GEE148TW	872817
GEE03675	SPARE
GEE148R0	SPARE
GEE148VT	872830
GEE148WC	872837
GEE1F9G6	872841
GEE1F9G8	872846
GEE1F9GA	872849
GEE1F9WN	872857
GEE1FA22	872866
GEE1FA6H	872886

(d) For reference, affected regional jet fan disk part numbers (P/Ns) are 5922T01G04, 5922T01G05, 6078T57G01, 6078T57G02, 6078T57G03, 6078T57G04, 6078T57G05, and 6078T57G06.

(e) For reference, affected business jet fan disk P/Ns are 5921T18G01, 5921T18G09, 5921T18G10, 5921T54G01, 5922T01G02, 5922T01G04, 5922T01G05, 6020T62G04, 6020T62G05, 6078T00G01, 6078T57G01, 6078T57G02, 6078T57G03, 6078T57G04, 6078T57G05, and 6078T57G06.

(f) These engines are installed on, but not limited to, Bombardier, Inc. CL–600–2B16 (CL–601–3R Variant), CL–600–2B16 (CL–604 Variant), and CL–600–2B19 (Regional Jet Series 100 and 440) model airplanes.

Unsafe Condition

(g) This AD results from GE discovering eight additional SNs of fan disks suspected of having an arc-out defect, and from the original report that a GE CF34–3B1 turbofan engine experienced an uncontained fan disk failure during flight operation. We are issuing this AD to prevent an uncontained fan disk failure and airplane damage.

Compliance

(h) You are responsible for having the actions required by this AD performed within 20 engine flight hours after the effective date of this AD, unless the actions have already been done.

Inspection of the Fan Disk

(i) Perform a onetime visual and tactile inspection of the bore area on the 39 fan disks listed in Table 1 of this AD, that have not had a shop-level inspection.

(j) For regional jet engine models CF34–3A1/–3B1, use paragraphs 3.A through 3.B.(2)(h) of the Accomplishment Instructions of GE Alert Service Bulletin (ASB) No. CF34–AL S/B 72–A0232, Revision 1, dated February 27, 2007, to do the inspections.

(k) For business jet engine models CF34–3A1/–3B, use paragraphs 3.A through 3.B.(2)(h) of the Accomplishment Instructions of GE ASB No. CF34–BJ S/B 72–A0213, Revision 1, dated February 27, 2007, to do the inspections.

Previous Inspection Credit

(l) Previous inspection credit is allowed:

(1) For regional jet engine models CF34–3A1/–3B1, inspected using paragraphs 3.A through 3.B.(2)(g) of the Accomplishment Instructions of GE ASB No. CF34–AL S/B 72–A0232, dated February 15, 2007, for the fan disk SNs listed in emergency AD 2007–04–51.

(2) For business jet engine models CF34–3A1/–3B, inspected using paragraphs 3.A through 3.B.(2)(g) of the Accomplishment Instructions of GE ASB No. CF34–BJ S/B 72–A0213, dated February 15, 2007, for the fan disk SNs listed in emergency AD 2007–04–51.

(m) Fan disks listed in Table 1 of this AD that have already had a full visual inspection, eddy current inspection, and fluorescent penetrant inspection using GE CF34–3 (BJ) Heavy Maintenance Manual SEI–782, Section 72–21–00, or using GE CF34–3 (RJ) Engine Manual SEI–756, Section 72–21–00, are considered in compliance with this AD.

Alternative Methods of Compliance

(n) The Manager, Engine 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

(o) AD 2006–05–04, dated March 3, 2006, also addresses the subject of this AD. GE ASB No. CF34–BJ S/B 72–A0088, dated August 21, 2000, and GE ASB No. CF34–AL S/B 72–A0103, dated August 4, 2000, pertain to the subject of this AD.

(p) For further information, contact: Tara Chaidez, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803, e-mail: *tara.chaidez@faa.gov*; telephone (781) 238–7773; fax (781) 238–7199.

Material Incorporated by Reference

(q) You must use the service information specified in Table 2 of this AD to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 2 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672–8400, fax (513) 672–8422. You may review copies at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; 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 2.—INCORPORATION BY REFERENCE

GE Aircraft Engines Alert Service Bulletin No.	Page	Revision	Date
CF34–BJ S/B 72–A0213 Total Pages: 12	All	Original	February 15, 2007.
CF34–BJ S/B 72–A0213 Total Pages: 13	All	1	February 27, 2007.
CF34–AL S/B 72–A0232 Total Pages: 12	All	Original	February 15, 2007.
CF34–AL S/B 72–A0232 Total Pages: 13	All	1	February 27, 2007.

Issued in Burlington, Massachusetts, on February 28, 2007.

Peter A. White,

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

[FR Doc. E7–3833 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26707; Directorate Identifier 2006–NM–157–AD; Amendment 39–14973; AD 2007–05–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 Airplanes and Model A340–200 and –300 Series 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 Airbus Model A330 airplanes and Model A340–200 and –300 series airplanes. This AD requires inspecting to determine the part number of certain S4- and MZ-type spoiler servo controls (SSCs). For certain other airplanes, this AD requires inspecting to determine the part number of all SSCs. This AD also requires replacing any affected SSC with a new SSC. This AD results from a new load duty cycle defined by the manufacturer. Additional fatigue tests and calculations done on this basis indicated that the spoiler valve manifold of the S4-type SSCs, and, on certain airplanes, the maintenance cover of the MZ-type SSCs, may crack during its service life due to pressure impulse fatigue. We are issuing this AD to prevent fatigue cracking of certain SSCs, which could result in hydraulic leakage and consequent loss of SSC function and loss of the associated hydraulic system. These conditions could affect all three hydraulic systems, which could result in reduced controllability of the airplane.

DATES: This AD becomes effective April 11, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of April 11, 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2797; 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 certain Airbus Model A330 airplanes and Model A340–200 and –300 series airplanes. That NPRM was published in the **Federal Register** on December 28, 2006 (71 FR 78102). That NPRM proposed to require inspecting to determine the part number of certain S4- and MZ-type spoiler servo-controls (SSCs). For certain other airplanes, that NPRM proposed to require inspecting to determine the part number of all SSCs. That NPRM also proposed to require replacing any affected SSC with a new SSC.

Comments

We provided the public the opportunity to participate in the development of this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

Costs of Compliance

This AD affects about 27 airplanes of U.S. registry.

It takes about 1 work hour per airplane to accomplish the inspection to determine the part number, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the inspection required by this AD for U.S. operators is $2,160, 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):

2007–05–12 Airbus: Amendment 39–14973. Docket No. FAA–2006–26707; Directorate Identifier 2006–NM–157–AD.

Effective Date

(a) This AD becomes effective April 11, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; and Model A340–211, –212, –213, –311, –312, and –313 airplanes; certificated in any category; excluding airplanes on which AIRBUS Modification 44670 has been embodied in production.

Unsafe Condition

(d) This AD results from a new load duty cycle defined by the manufacturer. Additional fatigue tests and calculations done on this basis indicated that the spoiler valve manifold of the S4-type spoiler servo controls (SSCs), and, on certain airplanes, the maintenance cover of the MZ–SSCs, may crack during its service life due to pressure impulse fatigue. We are issuing this AD to prevent fatigue cracking of certain SSCs, which could result in hydraulic leakage and consequent loss of SSC function and loss of the associated hydraulic system. These conditions could affect all three hydraulic systems, which could result in reduced controllability 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.

Determine the Part Number of the SSCs/ Replace If Necessary

(f) For Model A330–200 airplanes: Within 70 days after the effective date of this AD, inspect to determine the part number of all SSCs in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–27–3113, Revision 04, dated June 13, 2006.

(1) If the part number is not identified in Table 1 of paragraph 3.B.(1)(a) or 3.B.(2)(a) of the Accomplishment Instructions of the service bulletin: No further action is required by this paragraph.

(2) If the part number is identified in Table 1 of paragraph 3.B.(1)(a) or 3.B.(2)(a) of the Accomplishment Instructions of the service bulletin: Do the applicable actions specified in paragraphs (f)(2)(i), (f)(2)(ii), and (f)(2)(iii) of this AD in accordance with the Accomplishment Instructions of the service bulletin.

(i) If any SSC is installed in positions 2 through 6: Before the accumulation of 6,000 total flight cycles on the SSC since new, replace the SSC with a 138X-type SSC.

(ii) If any SSC is installed in position 1: Before the accumulation of 11,000 total flight cycles on the SSC since new, replace the SSC with a 138X-type SSC.

(iii) If the total flight cycles on any SSC exceed the total flight cycles specified in paragraph (f)(2)(i) or (f)(2)(ii) of this AD, as applicable, or if the total flight cycles are unknown: Before further flight, replace the SSC with a 138X-type SSC.

(3) If any SSC has a missing identification plate, before further flight, identify the part number of the cylinder housing of the SSC by using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent). Before further flight after determining the part number, accomplish the requirements specified in paragraph (f)(1) or (f)(2) of this AD, as applicable.

(g) For Model A330–300 airplanes and Model A340–200 and -300 series airplanes: Within 70 days after the effective date of this AD, inspect to determine the part number of all SSCs in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–27–3113, Revision 04, dated June 13, 2006; or A340–27–4139, Revision 01, dated June 12, 2006; as applicable.

(1) If the part number is not identified in Table 1 of paragraph 3.B.(1)(a) or 3.B.(2)(a) of the Accomplishment Instructions of the applicable service bulletin: No further action is required by this paragraph.

(2) If the part number is identified in Table 1 of paragraph 3.B.(1)(a) or 3.B.(2)(a) of the Accomplishment Instructions of the applicable service bulletin: Do the applicable actions specified in paragraphs (g)(2)(i), (g)(2)(ii), and (g)(2)(iii) of this AD in accordance with the Accomplishment Instructions of the applicable service bulletin.

(i) If any SSC is installed in positions 2 through 6: Before the accumulation of 14,000 total flight cycles on the SSC since new, replace the SSC with a 138X-type SSC.

(ii) If any SSC is installed in position 1: Before the accumulation of 15,000 total flight cycles on the SSC since new, replace the SSC with a 138X-type SSC.

(iii) If the total flight cycles on any SSC exceed the total flight cycles specified in paragraph (g)(2)(i) or (g)(2)(ii) of this AD, as applicable, or if the total flight cycles are unknown: Before further flight, replace the SSC with a 138X-type SSC.

(3) If any SSC has a missing identification plate, before further flight, identify the part number of the SSC cylinder housing by using a method approved by either the Manager, International Branch, ANM–116; or the EASA (or its delegated agent). Before further flight after determining the part number, accomplish the requirements specified in paragraph (g)(1) or (g)(2) of this AD, as applicable.

Note 1: Airbus Service Bulletins A330–27–3113, Revision 04, dated June 13, 2006; and A340–27–4139, Revision 01, dated June 12, 2006; refer to LIEBHERR Service Information Letters SIL 142, Revision 2, dated September 28, 2005; and SIL 190, dated September 27, 2005; respectively, as additional sources of service information for accomplishing the actions required by paragraphs (f) and (g) of this AD.

Action Not Required

(h) Airbus Service Bulletins A330–27–3113, Revision 04, dated June 13, 2006; and A340–27–4139, Revision 01, dated June 12, 2006; recommend providing LIEBHERR-AEROSPACE with the part number and serial number of the cylinder housing of the SSC if the identification plate is missing; this AD requires identifying the part number of the SSC cylinder housing by using a method approved by either the Manager, International Branch, ANM–116; or the EASA (or its delegated agent).

Actions Done According to Previous Issues of Service Bulletins

(i) Accomplishing the actions specified in paragraph (f) of this AD is acceptable for compliance with the requirements of that paragraph if done before the effective date of this AD in accordance with the applicable service bulletin identified in Table 1 of this AD.

TABLE 1.—PREVIOUS AIRBUS SERVICE BULLETINS

Service Bulletin	Revision level	Date
A330–27–3113	Original	September 15, 2003.
A330–27–3113	Revision 01	October 3, 2003.
A330–27–3113	Revision 02	June 11, 2004.
A330–27–3113	Revision 03	March 17, 2006.
A340–27–4139	Original	March 17, 2006.

Alternative Methods of Compliance (AMOCs)

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

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

Related Information

(k) EASA airworthiness directives 2006–0158 and 2006–0159, both dated June 7, 2006, also address the subject of this AD.

Material Incorporated by Reference

(l) You must use Airbus Service Bulletin A330–27–3113, Revision 04, dated June 13, 2006; or Airbus Service Bulletin A340–27–4139, Revision 01, dated June 12, 2006; 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, 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 22, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–3855 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–24004; Airspace Docket No. 06–AAL–13]

RIN 2120–AA66

Revision of Class E Airspace; Huslia, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment corrects a final rule published in the **Federal Register** on June 19, 2006 (71 FR 35151), Docket No. FAA–2006–24004, Airspace Docket No. 06–AAL–13. In that rule, the reference to FAA Order 7400.9 was published as FAA Order 7400.9N. The correct reference is FAA Order 7400.9P. Also, the corresponding dates that refer to the Order should state ''* * *September 1, 2006, and effective September 15, 2006* * *'', instead of ''* * *September 1, 2005, and effective September 15, 2005''. This technical amendment corrects those errors.

EFFECTIVE DATE: 0901 UTC, March 7, 2007. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Tameka Bentley, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On June 19, 2006, a final rule was published in the **Federal Register**, Docket No. FAA–2006–24004, Airspace Docket No. 06–AAL–13, that amended Title 14 Code of Federal Regulations part 71 by revising the Class E Airspace area at Huslia, AK (71 FR 35151). In that rule, the reference to FAA Order 7400.9 was published as FAA Order 7400.9N. The correct reference is FAA Order 7400.9P. In addition, the corresponding dates that refer to the Order are incorrect. Instead of ''* * *September 1, 2005, and effective September 15, 2005'', the dates should read ''* * *September 1, 2006, and effective September 15, 2006* * *''.

Amendment to Final Rule

■ Accordingly, pursuant to the authority delegated to me, the reference to FAA Order 7400.9 for Docket No. FAA–2006–24004, Airspace Docket No. 06–AAL–13, as published in the **Federal Register** on June 19, 2006 (71 FR 35151), is corrected as follows:

■ On page 35152, column 1, lines 52, 53, 54 and 55, column 3, lines 5, 7 and 8, amend the language to read:

§ 71.1 [Amended]

* * * * *

''* * *FAA Order 7400.9P'' instead of ''FAA Order 7400.9N* * *''.

''* * *September 1, 2006, and effective September 15, 2006* * *'' instead of ''* * *September 1, 2005, and effective September 15, 2005* * *''.

* * * * *

Issued in Washington, DC, February 20, 2007.

Edith V. Parish,

Manager, Airspace and Rules.

[FR Doc. E7–3938 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 41

RIN 1400–AB49

[Public Notice 5711]

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of States regulations related to students and exchange visitors to reflect changes introduced by Public Law108–441, and numerous administrative and procedural changes that have occurred with respect to these paragraphs following the transfer of the exchange visitor INA 212(e) waiver authority in 1999 from the United States Information Agency (USIA) to the Bureau of Consular Affairs in the Department of State. A number of these changes are non-substantive (i.e., agency name changes [the Department of Homeland Security in place of the Immigration and Naturalization Service], updating of office designations, etc.). Other changes reflect statutory amendments regarding waivers for the exchange visitor physicians and the proposed reconstitution of the Exchange Visitor Waiver Review Board.

DATES: This rule is effective on March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Charles Robertson, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1202, e-mail (*robertsonce3@state.gov*).

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating this rule?

On October 1, 1999, the United States Information Agency was consolidated into the United States Department of State. The reorganization was carried out in accordance with the Foreign Affairs Reform and Restructuring Act of 1998, which also called for the Arms Control and Disarmament Agency and some functions of the Agency for International Development to be integrated into the Department of State.

As a consequence of this extensive merger, the Department of State issued a final rule (64 FR 54538–54541) amending USIA's regulations. The final rule repealed, revised, re-designated, and otherwise amended USIA's authorities. Among other things, the USIA Waiver Review Branch of the Office of the General Counsel was moved into the Department of State's Visa Office. The USIA Waiver Review Branch became the Waiver Review Division of the Office of Legislation, Regulations, and Advisory Assistance, Visa Services, Bureau of Consular Affairs, CA/VO/L/W. It maintains its previous responsibilities for reviewing applications by J–1 exchange visitors who are seeking waivers of the two-year foreign residence requirement set forth at Section 212(e) of the Immigration and Nationality Act (INA). The Division makes recommendations to the Department of Homeland Security concerning such waivers.

Do these administrative changes really need changes in the authorities?

The Department of State inherited a multitude of functions as a result of the October 1, 1999 consolidation of USIA into the Department of State. The pertinent regulations to the waiver function contain errors as well as out-of-date references, so this regulation corrects these items. Also, Public Law 108–441, signed into law on December 3, 2004, amended section 214(l) of the Immigration and Nationality Act, which makes certain changes regarding foreign medical graduates who obtain J–1 status in order to receive graduate medical education or training.

What specific errors does this regulation address?

Our regulation updates the required J-visa application form (Certificate of Eligibility for Exchange Visitor (J–1) Status), IAP–66, to reflect the current Department-approved designation, DS–2019. The term ''Secretary of State'' replaces the term ''Director of USIA''. The Department of Homeland Security replaces the Immigration and Naturalization Service. The medical schools have been clearly identified as ''foreign'' medical schools. The Waiver Review Board, which is occasionally and incorrectly referred to as the ''division'' rather than the ''board'', is also herein corrected. Finally, references to USIA's authorities previously located at 22 CFR part 514 have been corrected to reflect their relocation at 22 CFR 41.62 and 41.63. The regulation also simplifies language identifying the jurisdictional DHS office to which the waiver recommendation is sent. The language is flexible permitting DHS to designate different offices without the need for the Department to modify these regulations.

Why is the Department making the review of persecution cases with the Bureau of Democracy, Human Rights and Labor (DRL) permissive rather than mandatory?

Section 212 (e) of the Act grants the Department of Homeland Security (DHS), exclusive authority to determine the existence of prospective persecution in these cases. Thus, the Visa Office honors the holding of DHS in these cases and perceives no need to submit all cases for further review. We have found that the results are sufficiently consistent with DHS findings to render this action superfluous. Furthermore, the Waiver Review Division will only submit a case for an opinion if it believes that circumstances may have meaningfully changed since the DHS finding of persecution.

Why is the Waiver Review Board being reconstituted?

The Waiver Review Board provided USIA with an excellent means of deciding cases that have compelling competing interests. The Visa Office found the Board to be a useful tool for representing differing interests and for reaching a consensus on difficult cases. This regulation proposes to realign the representation of the Board by apportioning Board membership between policy formulators in the Bureau of Consular Affairs and principals administering the exchange visitor program interests in the Bureau of Education and Cultural Affairs. The rule proposes to designate the Principal Deputy Assistant Secretary for Consular Affairs as the chair.

Why is the Department not clearly identifying the number of cases that can be approved annually under the Conrad program?

The old regulation indicates that 20 exchange visitor physicians could qualify for this program per state annually. But the law was amended to increase that number to 30. Further modifications to the numerical limitation on Conrad program beneficiaries are a distinct possibility; consequently, to avoid periodic amendment of the regulation, the language is being modified to refer non-specifically to the annual limitation.

Regulatory Findings

Administrative Procedure Act

This regulation involves a foreign affairs function of the United States and, therefore, in accordance with 5 U.S.C. 553(a)(1), is not subject to the rule making procedures set forth at 5 U.S.C. 553.

Regulatory Flexibility Act/Executive Order 13272

Small Business. This rule is not subject to the notice-and-comment rulemaking provisions of the Administrative Procedure Act or any other act, and, accordingly it does not require analysis under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) and Executive Order 13272, section 3(b).

The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), Public Law 104–4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

Executive Order 12866: Regulatory Review

The Department of State has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of the proposed regulation justify its costs. The Department does not consider the rule to be an economically significant action within the scope of section 3(f)(1) of the Executive Order since it is not likely to have an annual effect on the economy of $100 million or more or to adversely affect in a material way the economy, a sector of the economy, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the proposed regulations in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Paperwork Reduction Act

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Immigration, Nonimmigrants, Passports and Visas, Students.

■ For the reasons stated in the preamble, the Department of State amends 22 CFR Part 41 to read as follows:

PART 41—[AMENDED]

■ 1. The authority citation for part 41 continues to read:

Authority: 8 U.S.C. 1104; Pub. L. 105–277, 112 Stat. 2681–795 through 2681–801. Additional authority is derived from Section 104 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) Pub. L. 104–208, 110 Stat. 3546.

■ 2. Section 41.62 is amended by revising paragraphs (a)(1), (c)(1)(i), (c)(1)(ii), and (c)(3) to read as follows:

§ 41.62 Exchange visitors.

(a) * * *

(1) Has been accepted to participate, and intends to participate, in an exchange visitor program designated by the Bureau of Education and Cultural Affairs, Department of State, as evidenced by the presentation of a properly executed Form DS–2019, Certificate of Eligibility for Exchange Visitor (J–1) Status;

* * * * *

(c) * * *

(1) * * *

(i) The alien's participation in one or more exchange programs was wholly or partially financed, directly or indirectly, by the U.S. Government or by the government of the alien's last legal permanent residence; or

(ii) At the time of the issuance of an exchange visitor visa and admission to the United States, or, if not required to obtain a nonimmigrant visa, at the time of admission as an exchange visitor, or at the time of acquisition of such status after admission, the alien is a national and resident or, if not a national, a legal permanent resident (or has status equivalent thereto) of a country which the Secretary of State has designated, through publication by public notice in the **Federal Register**, as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien will engage during the exchange visitor program; or

* * * * *

(3) The country in which 2 years' residence and physical presence will satisfy the requirements of INA 212(e) in the case of an alien determined to be subject to such requirements is the country of which the alien is a national and resident, or, if not a national, a legal permanent resident (or has status equivalent thereto).

* * * * *

■ 3. Section 41.63 is amended by revising paragraphs (a)(1)(ii), (a)(2), (a)(3), (b)(1), (b)(2), (c)(1), (c)(3), (c)(4) introductory text, (c)(5), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2), (e)(3)(i), (e)(3)(ii), (e)(3)(iii), (e)(3)(iv), (e)(3)(v), (e)(3)(viii), (e)(4), (f) and (g) to read as follows:

§ 41.63 Two-year home-country physical presence requirement.

(a) * * *

(1) * * *

* * * * *

(ii) Who at the time of admission or acquisition of status under 101(a)(15)(J) was a national or legal permanent resident of a country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged [See the most recent ''Revised Exchange Visitor Skills List'', at *http://exchanges.state.gov/education/jexchanges/participation/skills_list.pdf*]; or

* * * * *

(2) Upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency (or in the case of an alien who is a graduate of a foreign medical school pursuing a program in graduate medical education or training, pursuant to the request of a State Department of Public Health, or its equivalent), or of the Secretary of Homeland Security after the latter has determined that departure from the United States would impose

exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a legal permanent resident alien), or that the alien cannot return to the country of his nationality or last legal permanent residence because he would be subject to persecution on account of race, religion, or political opinion, the Secretary of Homeland Security may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Secretary of Homeland Security to be in the public interest except that in the case of a waiver requested by a State Department of Public Health, or its equivalent, the waiver shall be subject to the requirements of section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184).

(3) Except in the case of an alien who is a graduate of a foreign medical school pursuing a program in graduate medical education or training, the Secretary of Homeland Security, upon the favorable recommendation of the Secretary of State, may also waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last legal permanent residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien. Notwithstanding the foregoing, an alien who is a graduate of a foreign medical school pursuing a program in graduate medical education or training may obtain a waiver of such two-year foreign residence requirements if said alien meets the requirements of section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184) and paragraphs (a) (2) and (e) of this section.

(b) * * *

(1) An exchange visitor who seeks a waiver of the two-year home-country residence and physical presence requirement on the grounds that such requirement would impose exceptional hardship upon the exchange visitor's spouse or child (if such spouse or child is a citizen of the United States or a legal permanent resident alien), or on the grounds that such requirement would subject the exchange visitor to persecution on account of race, religion, or political opinion, shall submit the application for waiver (DHS Form I–612) to the jurisdictional office of the Department of Homeland Security.

(2)(i) If the Secretary of Homeland Security (Secretary of DHS) determines that compliance with the two-year home-country residence and physical presence requirement would impose exceptional hardship upon the spouse or child of the exchange visitor, or would subject the exchange visitor to persecution on account of race, religion, or political opinion, the Secretary of DHS shall transmit a copy of his determination together with a summary of the details of the expected hardship or persecution, to the Waiver Review Division, in the Department of State's Bureau of Consular Affairs.

(ii) With respect to those cases in which the Secretary of DHS has determined that compliance with the two-year home-country residence and physical presence requirement would impose exceptional hardship upon the spouse or child of the exchange visitor, the Waiver Review Division shall review the program, policy, and foreign relations aspects of the case, make a recommendation, and forward it to the appropriate office at DHS. If it deems it appropriate, the Waiver Review Division may request the views of each of the exchange visitors' sponsors concerning the waiver application. Except as set forth in paragraph (g)(4) of this section, the recommendation of the Waiver Review Division shall constitute the recommendation of the Department of State.

(iii) With respect to those cases in which the Secretary of DHS has determined that compliance with the two-year home-country residence and physical presence requirement would subject the exchange visitor to persecution on account of race, religion, or political opinion, the Waiver Review Division shall review the program, policy, and foreign relations aspects of the case, including consultation if deemed appropriate with the Bureau of Human Rights and Humanitarian Affairs of the United States Department of State, make a recommendation, and forward such recommendation to the Secretary of DHS. Except as set forth in paragraph (g)(4) of this section, the recommendation of the Waiver Review Division shall constitute the recommendation of the Department of State and such recommendation shall be forwarded to DHS.

(c) * * *

(1) A United States Government agency may request a waiver of the two-year home-country residence and physical presence requirement on behalf of an exchange visitor if such exchange visitor is actively and substantially involved in a program or activity sponsored by or of interest to such agency.

* * * * *

(3) A request by a United States Government agency shall be signed by the head of the agency, or his or her designee, and shall include copies of all IAP 66 or DS–2019 forms issued to the exchange visitor, his or her current address, and his or her country of nationality or last legal permanent residence.

(4) A request by a United States Government agency, excepting the Department of Veterans Affairs, on behalf of an exchange visitor who is a foreign medical graduate who entered the United States to pursue graduate medical education or training, and who is willing to provide primary care or specialty medicine in a designated primary care Health Professional shortage Area, or a Medically Underserved Area, or psychiatric care in a Mental Health Professional Shortage Area, shall, in additional to the requirement set forth in paragraphs (c)(2) and (3) of this section, include:

* * * * *

(5) Except as set forth in paragraph (g)(4) of this section, the recommendation of the Waiver Review Division shall constitute the recommendation of the Department of State and such recommendation shall be forwarded to the Secretary of DHS.

(d) * * *

(1) Applications for waiver of the two-year home-country residence and physical presence requirement may be supported by a statement of no objection by the exchange visitor's country of nationality or last legal permanent residence. The statement of no objection shall be directed to the Secretary of State through diplomatic channels; i.e., from the country's Foreign Office to the Department of State through the U.S. Mission in the foreign country concerned, or through the foreign country's head of mission or duly appointed designee in the United States to the Secretary of State in the form of a diplomatic note. This note shall include applicant's full name, date and place of birth, and present address. If deemed appropriate, the Department of State may request the views of each of the exchange visitor's sponsors concerning the waiver application.

(2) The Waiver Review Division shall review the program, policy, and foreign relations aspects of the case and forward its recommendation to the Secretary of DHS. Except as set forth in § 41.63(g)(4), infra, the recommendation of the Waiver Review Division shall constitute the recommendation of the Department of State.

(3) An exchange visitor who is a graduate of a foreign medical school and who is pursuing a program in graduate medical education or training in the United States is prohibited under

section 212(e) of the Immigration and Nationality Act from applying for a waiver solely on the basis of no objection from his or her country of nationality or last legal permanent residence. However, an alien who is a graduate of a foreign medical school pursuing a program in graduate medical education or training may obtain a waiver of such two-year foreign residence requirements if said alien meets the requirements of section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184) and paragraphs (a)(2) and (e) of this section.

(e) * * *

(1) Pursuant to Public Law 103–416, in the case of an alien who is a graduate of a medical school pursuing a program in graduate medical education or training, a request for a waiver of the two-year home-country residence and physical presence requirement may be made by a State department of Public Health, or its equivalent. Such waiver shall be subject to the requirements of section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1194(l)) and this § 41.63.

(2) With respect to such waiver under Public Law 104–416, if such alien is contractually obligated to return to his or her home country upon completion of the graduate medical education or training, the Secretary of State is to be furnished with a statement in writing that the country to which such alien is required to return has no objection to such waiver. The no objection statement shall be furnished to the Secretary of State in the manner and form set forth in paragraph (d) of this section and, additionally, shall bear a notation that it is being furnished pursuant to Public Law 103–416.

(3) * * *

(i) A completed DS–3035. Copies of these forms may be obtained from the Visa Office or online at *http://www.travel.state.gov.*

(ii) A letter from the Director of the designated State Department of Public Health, or its equivalent, which identifies the foreign medical graduate by name, country of nationality or country of last legal permanent residence, and date of birth, and states that it is in the public interest that a waiver of the two-year home residence requirement be granted;

(iii) An employment contract between the foreign medical graduate and the health care facility named in the waiver application, to include the name and address of the health care facility, and the specific geographical area or areas in which the foreign medical graduate will practice medicine. The employment contract shall include a statement by the foreign medical graduate that he or she agrees to meet the requirements set forth in section 214(l) of the Immigration and Nationality Act. The term of the employment contract shall be at least three years and the geographical areas of employment shall only be in areas, within the respective state, designated by the Secretary of Health and Human Services as having a shortage of health care professionals, unless the waiver request is for an alien who will practice medicine in a facility that serves patients who reside in one or more geographic areas so designated by the Secretary of Health and Human Services without regard to whether such facility is located within such a designated geographic area. For the latter situation, which will be referred to as ''non-designated requests'', the contract should also state that the term of the employment contract shall be at least three years and employment shall only be in a facility that serves patients who reside in one or more geographic areas so designed by the Secretary of Health and Human Services as having a shortage of health care professionals.

(iv) Evidence establishing that the geographic area or areas in the state in which the foreign medical graduate will practice medicine or where patients who will be served by the foreign medical graduates reside, are areas which have been designated by the Secretary of Health and Human Services as having a shortage of health care professionals. For purposes of this paragraph, the geographic area or areas must be designated by the Department of Health and Human Services as a Health Professional Shortage Area (''HPSA'') or as a Medically Underserved Area/Medically Underserved Population (''MUA/MUP'').

(v) Copies of all forms IAP 66 or DS–2019 issued to the foreign medical graduate seeking the waiver;

* * * * *

(viii) Because of the numerical limitations on the approval of waivers under Public Law 103–416, *i.e.*, no more than the maximum number of waivers for each State each fiscal year as mandated by law, each application from a State Department of Public Health, or its equivalent, shall be numbered sequentially, beginning on October 1 of each year. The ''non-designated'' requests will also be numbered sequentially with appropriate identifier.

(4) The Waiver Review Division shall review the program, policy, and foreign relations aspects of the case and forward its recommendation to the Secretary of DHS. Except as set forth in paragraph (g)(4) of this section, the recommendation of the Waiver Review Division shall constitute the recommendation of the Department of State.

(f) *Changed Circumstances.* An applicant for a waiver on the grounds of exceptional hardship or probable persecution on account of race, religion, or political opinion, has a continuing obligation to inform the Department of Homeland Security of changed circumstances material to his or her pending application.

(g) *The Waiver Review Board.*

(1) The Waiver Review Board (''Board'') shall consist of the following persons or their designees:

(i) The Principal Deputy Assistant Secretary of the Bureau of Consular Affairs;

(ii) The Director of Office of Public Affairs for the Bureau of Consular Affairs;

(iii) The Legislative Management Officer for Consular Affairs, Bureau of Legislative Affairs;

(iv) The Director of the Office of Exchange Coordination and Designation in the Bureau of Educational and Cultural Affairs; and

(v) The Director of the Office of Policy and Evaluation in the Bureau of Educational and Cultural Affairs.

(2) A person who has had substantial prior involvement in a particular case referred to the Board may not be appointed to, or serve on, the Board for that particular case unless the Bureau of Consular Affairs determines that the individual's inclusion on the Board is otherwise necessary or practicably unavoidable.

(3) The Principal Deputy Assistant Secretary of Consular Affairs, or his or her designee, shall serve as Board Chairman. No designee under this paragraph (g)(3) shall serve for more than 2 years.

(4) Cases will be referred to the Board at the discretion of the Chief, Waiver Review Division, of the Visa Office. The Chief, Waiver Review Division, or his or her designee may, at the Chairman's discretion, appear and present facts related to the case but shall not participate in Board deliberations.

(5) The Chairman of the Board shall be responsible for convening the Board and distributing all necessary information to its members. Upon being convened, the Board shall review the case file and weigh the request against the program, policy, and foreign relations aspects of the case.

(6) The Bureau of Consular Affairs shall appoint, on a case-by-case basis, from among the attorneys in the State Department's Office of Legal Advisor

one attorney to serve as legal advisor to the Board.

(7) At the conclusion of its review of the case, the Board shall make a written recommendation either to grant or to deny the waiver application. The written recommendation of a majority of the Board shall constitute the recommendation of the Board. Such recommendation shall be promptly transmitted by the Chairman to the Chief, Waiver Review Division.

(8) At the conclusion of its review of the case, the Board shall make a written recommendation either to grant or to deny the waiver application. The written recommendation of a majority of the Board shall constitute the recommendation of the Board. Such recommendation shall be promptly transmitted by the Chairman to the Chief, Waiver Review Division.

Dated: February 23, 2007.

Maura Harty,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. E7–3871 Filed 3–6–07; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF JUSTICE

28 CFR Parts 0, 5, 12, 17, 65, and 73

[Docket No. NSD 100; AG Order No. 2865–2007]

Office of the Attorney General; National Security Division

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends part 0 of title 28 of the Code of Federal Regulations to reflect the establishment of the National Security Division at the Department of Justice. The National Security Division was created by section 506 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (''the Act''). This rule, which sets forth the Division's organization, mission and functions, amends the Code of Federal Regulations in order to conform the Department's regulations to the Act and to reflect accurately the Department's internal management structure.

This rule also amends the Department's regulations in title 28 other than in part 0 to make nomenclature and organizational changes reflecting the establishment of the National Security Division.

DATES: *Effective Date:* March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Jessie Liu, National Security Division, U.S. Department of Justice, Washington, DC 20530; Telephone (202) 514–1057.

SUPPLEMENTARY INFORMATION: On March 9, 2006, the President signed the USA PATRIOT Improvement and Reauthorization Act of 2005 (''the Act''), Public Law 109–277 (120 Stat. 192). Section 506 of the Act created a new National Security Division (NSD) in the Department of Justice. This rule conforms the Department's regulations to the Act and sets forth the new Division's organization, mission, and functions.

This rule reflects the establishment of the NSD, reporting to the Deputy Attorney General, by consolidating the resources of the Office of Intelligence Policy and Review (OIPR) and the Criminal Division's Counterterrorism and Counterespionage Sections. These organizational changes will strengthen the Department's efforts to combat terrorism and other threats to national security.

Consolidating OIPR and the Criminal Division's Counterterrorism and Counterespionage Sections under the NSD will ensure greater coordination and unity of purpose among the Department's primary organizational units that handle core national security matters. These changes will allow the Department to maximize the effectiveness of prosecutors handling cases in the core national security fields of counterterrorism and counterespionage, who will continue to carry out the same critical functions they handle today. The NSD will be positioned to coordinate all related Department resources and ensure that critical information is shared as appropriate across the Department and the Executive Branch.

The mission of the NSD is to coordinate the Department's efforts in carrying out its core mission of combating terrorism and protecting national security. Among the major functions the NSD will perform are the following:

- Develop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs, except those specifically assigned to other Divisions;
- Prosecute and coordinate a wide range of criminal prosecutions and investigations targeting individuals and organizations involving terrorist acts at home or against U.S. persons or interests abroad or that assist in the financing of or providing support to those acts;
- Administer the Foreign Intelligence Surveillance Act;
- Supervise sensitive areas of law enforcement related to the activities of the National Security Division, except tasks assigned to other Divisions;
- Advise, assist, coordinate with, and train those in the law enforcement community, including federal, state, and local prosecutors, investigative agencies and foreign criminal justice entities (provided that any training of foreign criminal justice entities should be conducted in coordination with the Criminal Division), in matters related to the Division's activities;
- Advise the Attorney General, the Office of Management and Budget, and the White House on matters relating to the national security activities of the United States; and
- Through the Assistant Attorney General for National Security, serve as the Department of Justice's primary liaison to the Director of National Intelligence.

This rule also makes further amendments to the Department's regulations in title 28 other than in part 0 in order to make nomenclature and organizational changes reflecting the establishment of the NSD. Generally, the changes involve either adding the NSD to the list of the Department's components or substituting the NSD in place of either the Criminal Division or the Office of Intelligence Policy and Review. In some instances, the Assistant Attorney General for National Security is substituted for the Assistant Attorney General, Criminal Division or for the Counsel for Intelligence Policy, as appropriate.

This rule only makes changes to the Department's internal organization and structure and does not affect the rights or obligations of the general public.

Administrative Procedure Act—5 U.S.C. 553

This rule is a rule of agency organization and relates to a matter relating to agency management and is therefore exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), 553(b)(3)(A).

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule because the Department was not required to

publish a general notice of proposed rulemaking for this matter.

Executive Order 12866—Regulatory Planning and Review

This action has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described by section 3(d)(3) of that order and, therefore, is not a ''regulation'' or ''rule'' as defined by the order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1955

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel, and organizations and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects

28 CFR Part 0

Authority delegations (Government agencies), Counterterrorism, Crime, Government employees, Law enforcement, National security information, Organization and functions (Government agencies), Privacy, Reporting and recordkeeping requirements, Terrorism, Whistleblowing.

28 CFR Part 5

Aliens, Foreign relations, Reporting and recordkeeping requirements, Security measures.

28 CFR Part 12

Crime, Foreign relations, Reporting and recordkeeping requirements, Security measures.

28 CFR Part 17

Classified information, Foreign relations.

28 CFR Part 65

Grant Programs-law, Law enforcement, Emergency assistance, Reporting and recordkeeping requirements.

28 CFR Part 73

Foreign relations, Security measures.

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

§ 0.1 [Amended]

■ 2. Amend § 0.1 as follows:

■ a. In the list of Offices, remove the title ''Office of Intelligence and Policy Review''.

■ b. In the list of Offices, add the title ''Executive Office for Immigration Review'' after the entry ''Community Relations Service''.

■ c. In the list of Offices, add the title ''Professional Responsibility Advisory Office'' at the end of the list.

■ d. In the list of Divisions, remove the title ''Land and Natural Resources Division'' and add in its place the title ''Environment and Natural Resources Division''.

■ e. In the list of Divisions, add after the newly-renamed entry ''Land and Natural Resources Division'' the title ''National Security Division''.

■ f. In the list of Bureaus, remove the title ''Office of Justice Assistance, Research and Statistics (and related agencies)'' and add in its place the title ''Office of Justice Programs (and related agencies)''.

■ g. In the list of Bureaus, remove the title ''Immigration and Naturalization Service''.

Subpart F–1—[Removed and Reserved]

■ 3. Remove and reserve subpart F–1.

■ 4. Revise paragraph (i) of § 0.55 to read as follows:

§ 0.55 General functions.

* * * * *

(i) All civil proceedings seeking exclusively equitable relief against Criminal Division activities including criminal investigations, prosecutions, and other criminal justice activities (including without limitation, applications for writs of coram nobis and writs of habeas corpus not challenging exclusion, deportation, or detention under the immigration laws), except that any proceeding may be conducted, handled, or supervised by the Assistant Attorney General for National Security or another Division by agreement between the head of such Division and the Assistant Attorney General, Criminal Division.

* * * * *

§§ 0.61, 0.62, and 0.64 [Removed and Reserved]

■ 5. Remove and reserve §§ 0.61, 0.62, and 0.64.

■ 6. Revise § 0.64–1 to read as follows:

§ 0.64–1 Central or Competent Authority under treaties and executive agreements on mutual assistance in criminal matters.

The Assistant Attorney General, Criminal Division, in consultation with the Assistant Attorney General for National Security in matters related to the National Security Division's activities, shall have the authority and perform the functions of the ''Central Authority'' or ''Competent Authority'' (or like designation) under treaties and executive agreements between the United States of America and other countries on mutual assistance in criminal matters that designate the Attorney General or the Department of Justice as such authority. The Assistant Attorney General, Criminal Division, is authorized to re-delegate this authority to the Deputy Assistant Attorneys General, Criminal Division, and to the Director and Deputy Directors of the Office of International Affairs, Criminal Division.

■ 7. Revise § 0.64–2 to read as follows:

§ 0.64–2 Delegation respecting transfer of offenders to or from foreign countries.

The Assistant Attorney General, Criminal Division, in consultation with the Assistant Attorney General for National Security in matters related to the National Security Division's activities, is authorized to exercise all of the power and authority vested in the Attorney General under 18 U.S.C. 4102 that has not been delegated to the Director of the Bureau of Prisons under 28 CFR 0.96b, including specifically the authority to find appropriate or inappropriate the transfer of offenders to or from a foreign country under a treaty as referred to in Public Law 95–144. The Assistant Attorney General, Criminal Division is authorized to redelegate this authority within the Criminal Division to the Deputy Assistant Attorneys General, the Director of the Office of Enforcement Operations, and the Senior Associate Director and Associate Directors of the Office of Enforcement Operations.

■ 8. Revise § 0.64–4 to read as follows:

§ 0.64–4 Delegation respecting temporary transfers, in custody, of certain prisoner-witnesses from a foreign country to the United States to testify in Federal or State criminal proceedings.

The Assistant Attorney General, Criminal Division, in consultation with the Assistant Attorney General for National Security in matters related to the National Security Division's activities, is authorized to exercise all of the power and authority vested in the Attorney General under 18 U.S.C. 3508 that has not been delegated to the Director of the United States Marshals Service under 28 CFR 0.111a, including specifically the authority to determine whether and under what circumstances temporary transfer of a prisoner-witness to the United States is appropriate or inappropriate; to determine the point at which the witness should be returned to the transferring country; and to enter into appropriate agreements with the transferring country regarding the terms and conditions of the transfer. The Assistant Attorney General, Criminal Division is authorized to redelegate this authority within the Criminal Division to the Deputy Assistant Attorneys General and to the Director and Deputy Directors of the Office of International Affairs.

■ 9. Revise § 0.64–5 to read as follows:

§ 0.64–5 Policy with regard to bringing charges under the Economic Espionage Act of 1996, Pub. L. 104–294, effective October 11, 1996.

The United States may not file a charge under 18 U.S.C. 1831 of the Economic Espionage Act of 1996 (the ''EEA'') (18 U.S.C. 1831 *et seq.*), or use a violation under section 1831 of the EEA as a predicate offense under any other law, without the personal approval of the Attorney General, the Deputy Attorney General, the Assistant Attorney General for National Security, or the Assistant Attorney General, Criminal Division (or the Acting official in each of these positions if a position is filled by an Acting official). Violations of this regulation are appropriately sanctionable and will be reported by the Attorney General to the Senate and House Judiciary Committees. Responsibility for reviewing proposed charges under section 1831 of the EEA rests with the Counterespionage Section of the National Security Division, which will consult, as necessary, with the Computer Crime and Intellectual Property Section of the Criminal Division. This regulation shall remain in effect until October 11, 2011.

■ 10. Redesignate subpart M as subpart L and revise the subpart heading to read as follows:

Subpart L—Environment and Natural Resources Division

■ 11. Redesignate subpart N as subpart M.

■ 12. Add a new subpart N consisting of § 0.72 to read as follows:

Subpart N—National Security Division

§ 0.72 National Security Division.

The following functions are assigned to and shall be conducted, handled, or supervised by the Assistant Attorney General for National Security:

(a) *General functions.*

(1) Advise the Attorney General, the Office of Management and Budget, and the White House, and brief Congress, as appropriate, on matters relating to the national security activities of the United States, and ensure that all of the Department's national security activities are effectively coordinated;

(2) Develop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs, except those specifically assigned to other Divisions;

(3) Represent the Department on interdepartmental boards, committees, and other groups dealing with national security, intelligence, or counterintelligence matters;

(4) Oversee the development, coordination, and implementation of Department policy, in conjunction with other components of the Department as appropriate, with regard to intelligence, counterintelligence, or national security matters;

(5) Provide legal assistance and advice, in coordination with the Office of Legal Counsel as appropriate, to Government agencies on matters of national security law and policy;

(6) Administer the Foreign Intelligence Surveillance Act;

(7) Prosecute Federal crimes involving national security, foreign relations, and terrorism, and coordinate the Department's activities and advice on all issues with respect to the Foreign Intelligence Surveillance Act of 1978, as amended, and the Classified Information Procedures Act arising in connection with any such prosecutions;

(8) Prosecute and coordinate prosecutions and investigations targeting individuals and organizations involved in terrorist acts at home or against U.S. persons or interests abroad, or that assist in the financing of or providing support to those acts;

(9) Except in the case of emergencies where there is an immediate threat to life or property, review for concurrence the Department's use of criminal proceedings in connection with all matters relating to intelligence, counterintelligence, or counterterrorism. Such criminal proceedings include, but are not limited to, grand jury proceedings, the filing of search and arrest warrants or applications for electronic surveillance pursuant to 18 U.S.C. 2510 *et seq.* and 18 U.S.C. 2701 *et seq.*, the filing of complaints, the return of indictments, criminal forfeiture proceedings, and appeals;

(10) Evaluate Departmental activities and existing and proposed domestic and foreign intelligence, counterintelligence, or national security activities to determine their consistency with United States national security policies and law;

(11) Formulate policy alternatives and recommend action by the Department and other executive agencies in achieving lawful United States intelligence, counterintelligence, or national security objectives;

(12) Analyze and interpret current statutes, executive orders, guidelines, and other directives pertaining to intelligence, counterintelligence, or national security matters;

(13) Formulate legislative initiatives, policies, and guidelines relating to intelligence, counterintelligence, or national security matters;

(14) Review and comment upon proposed statutes, guidelines, and other directives with regard to national security matters, and, in conjunction with the Office of Legal Counsel, review and comment upon the form and

legality of proposed executive orders that touch upon matters related to the function of this Division;

(15) Provide training for Departmental components on legal topics related to intelligence, counterintelligence, or national security matters;

(16) Advise, assist, coordinate with, and train those in the law enforcement community, including federal, state, and local prosecutors, investigative agencies, and foreign criminal justice entities (provided that any training of foreign criminal justice entities should be conducted in coordination with the Criminal Division);

(17) Provide oversight of intelligence, counterintelligence, or national security matters by executive branch agencies to ensure conformity with applicable law, executive branch regulations, and Departmental objectives and report to the Attorney General on such activities;

(18) Supervise the preparation of the National Security Division's submission for the annual budget;

(19) Serve as primary liaison to the Director of National Intelligence for the Department of Justice;

(20) Represent the Department on the Committee on Foreign Investments in the United States; and

(21) Perform other duties pertaining to intelligence, counterintelligence, counterterrorism, or national security matters as may be assigned by the Attorney General or the Deputy Attorney General.

(b) *Functions related to intelligence policy and operations.*

(1) Advise and assist the Attorney General in carrying out his responsibilities under Executive Order 12333, ''United States Intelligence Activities,'' and other statutes, executive orders, and authorities related to intelligence, counterintelligence, or national security matters;

(2) Supervise the preparation of certifications and applications for orders under the Foreign Intelligence Surveillance Act of 1978, as amended, and the representation of the United States before the United States Foreign Intelligence Surveillance Court and the United States Foreign Intelligence Court of Review;

(3) Participate in the development, implementation, and review of United States intelligence, counterintelligence, and national security policies, including procedures for the conduct of intelligence, counterintelligence, or national security activities;

(4) Supervise sensitive areas of law enforcement related to the activities of the National Security Division, except for tasks assigned to other Divisions; and

(5) Recommend action by the Department of Justice with regard to applications under the Foreign Intelligence Surveillance Act of 1978, as amended, as well as with regard to other investigative activities by executive branch agencies; and

(6) To the extent deemed appropriate by the Assistant Attorney General for National Security, prepare periodic and special intelligence reports describing and evaluating domestic and foreign intelligence and counterintelligence activities and assessing trends or changes in these activities.

(c) *Functions related to counterterrorism.*

(1) Participate in the systematic collection and analysis of data and information relating to the investigation and prosecution of terrorism cases;

(2) Coordinate with Government departments and agencies to facilitate prevention of terrorist activity through daily detection and analysis and to provide information and support to the Offices of the United States Attorneys;

(3) Prosecute matters involving counterterrorism;

(4) Prosecute terrorist financing matters, including material support cases, through the Division's counterterrorism programs;

(5) Formulate legislative initiatives, policies, and guidelines relating to terrorism;

(6) Prosecute matters involving torture, genocide, and war crimes to the extent such matters involve the activities of the National Security Division;

(7) Assist in the foreign terrorist organization designation process with the Department of State, the Department of the Treasury, and the components of the Department of Justice; and

(8) Provide legal advice to attorneys for the Government concerning federal national security statutes, including but not limited to: aircraft piracy and related offenses (49 U.S.C. 46501–07); aircraft sabotage (18 U.S.C. 32); crimes against internationally protected persons (18 U.S.C. 112, 878, 1116, 1201(a)(4)); sea piracy (18 U.S.C. 1651); hostage taking (18 U.S.C. 1203); terrorist acts abroad, including murder, against United States nationals (18 U.S.C. 2332); acts of terrorism transcending national boundaries (18 U.S.C. 2332b); conspiracy within the United States to murder, kidnap, or maim persons or to damage property overseas (18 U.S.C. 956); providing material support to terrorists and terrorist organizations (18 U.S.C. 2339A, 2339B, 2339C); and using biological, nuclear, chemical or other weapons of mass destruction (18 U.S.C. 175, 831, 2332c, 2332a).

(d) *Functions related to internal security.*

(1) Enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition; enforcement of the Foreign Assets Control Regulations issued under the Trading With the Enemy Act (31 CFR 500.101 *et seq.*); criminal prosecutions under the Atomic Energy Act of 1954, the Smith Act, the neutrality laws, the Arms Export Control Act, the Federal Aviation Act of 1958 (49 U.S.C. 1523) relating to offenses involving the security control of air traffic, and 18 U.S.C. 799 and criminal prosecutions for offenses, such as perjury and false statements, arising out of offenses relating to national security;

(2) Administration and enforcement of the Foreign Agents Registration Act of 1938, as amended; the Act of August 1, 1956, 70 Stat. 899 (50 U.S.C. 851–857), including the determination in writing that the registration of any person coming within the purview of that Act would not be in the interest of national security; and the Voorhis Act (18 U.S.C. 2386);

(3) Administration and enforcement of the Internal Security Act of 1950, as amended;

(4) Conduct of civil proceedings seeking exclusively equitable relief against laws, investigations or administrative actions designed to protect the national security (including without limitation personnel security programs and the foreign assets control program);

(5) Interpretation of Executive Order 10450 of April 27, 1953, as amended, and advising other departments and agencies in connection with the administration of the federal employees security program, including the designation of organizations as required by the order; the interpretation of Executive Order 10501 of November 5, 1953, as amended, and of regulations issued thereunder in accordance with section 11 of that order; and the interpretation of Executive Order 10865 of February 20, 1960;

(6) Conduct of libels and civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) arising out of violations of the Trading with the Enemy Act, the neutrality statutes, and the Arms Export Control Act;

(7) Enforcement and administration of the provisions of 2 U.S.C. 441e, relating to contributions by foreign nationals;

(8) Enforcement and administration of the provisions of 18 U.S.C. 219, relating to officers and employees of the United States acting as agents of foreign principals; and

(9) Enforcement and administration of criminal matters arising under the Military Selective Service Act of 1967.

(e) *Relationship to other offices.* Nothing in this subpart shall be construed as affecting the functions or overriding the authority of the Office of Legal Counsel as established by 28 CFR 0.25.

■ 13. Revise § 0.175(a) to read as follows:

§ 0.175 Judicial and administrative proceedings.

(a) When the subject matter of a case or proceeding is within his or her respective jurisdiction, the Assistant Attorney General, Criminal Division, the Assistant Attorney General for National Security, or any Deputy Assistant Attorney General, Criminal Division or of the National Security Division is authorized to exercise the authority vested in the Attorney General by 18 U.S.C. 6003, to approve the application of a U.S. Attorney to a federal court for an order compelling testimony or the production of information by a witness in any proceeding before or ancillary to a court or grand jury of the United States, and the authority vested in the Attorney General by 18 U.S.C. 6004, to approve the issuance by an agency of the United States of an order compelling testimony or the production of information by a witness in a proceeding before the agency, when the subject matter of the case or proceeding is either within the cognizance of the Assistant Attorney General, Criminal Division, the Assistant Attorney General for National Security, or is not within the cognizance of the Divisions or Administration designated in paragraphs (b) and (c) of this section.

* * * * *

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

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

Authority: 28 U.S.C. 509, 510; Section 1, 56 Stat. 248, 257 (22 U.S.C. 620); title I, Pub. L. 102–395, 106 Stat. 1828, 1831 (22 U.S.C. 612 note).

■ 15. Revise § 5.1 to read as follows:

§ 5.1 Administration and enforcement of the Act.

(a) The administration and enforcement of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611–621) (Act), subject to the general supervision and direction of the Attorney General, is assigned to, and conducted, handled, and supervised by, the Assistant Attorney General for National Security.

(b) The Assistant Attorney General for National Security is authorized to prescribe such forms, in addition to or in lieu of those specified in the regulations in this part, as may be necessary to carry out the purposes of this part.

(c) Copies of the Act, and of the rules, regulations, and forms prescribed pursuant to the Act, and information concerning the foregoing may be obtained upon request without charge from the National Security Division, Department of Justice, Washington, DC 20530.

■ 16. Amend § 5.2 as follows:

■ a. In paragraph (a), remove the words ''Assistant Attorney General'' and add, in their place, the words ''Assistant Attorney General for National Security''.

■ b. Revise paragraph (d).

■ c. In paragraph (g), remove the words ''Criminal Division'' and add, in their place, the words ''National Security Division''.

■ d. In paragraph (h), remove the words ''Criminal Division'' in two places and add, in their place, the words ''National Security Division''.

■ e. In paragraph (i), remove the words ''Criminal Division'' and add, in their place, the words ''National Security Division''.

■ f. In paragraph (j), remove the words ''Assistant Attorney General'' and add, in their place, the words ''Assistant Attorney General for National Security''.

The revisions read as follows:

§ 5.2 Inquiries concerning application of the Act.

* * * * *

(d) Address. A review request must be submitted in writing to the Assistant Attorney General for National Security, Department of Justice, Washington, DC 20530.

* * * * *

■ 17. Amend § 5.100 by revising paragraphs (a)(3) and (a)(5), removing paragraph (a)(6), and redesignating paragraphs (a)(7) through (a)(13) as paragraphs (a)(6) through (a)(12) to read as follows:

§ 5.100 Definition of terms.

(a) * * *

* * * * *

(3) The term *Assistant Attorney General* means the Assistant Attorney General for National Security, Department of Justice, Washington, DC 20530.

* * * * *

(5) The term *rules and regulations* includes the regulations in this part and all other rules and regulations prescribed by the Attorney General pursuant to the Act and all registration forms and instructions thereon that may be prescribed by the regulations in this part or by the Assistant Attorney General for National Security.

* * * * *

■ 18. In § 5.501, remove the words ''Criminal Division'' and add, in their place, the words ''National Security Division''.

PART 12—REGISTRATION OF CERTAIN PERSONS HAVING KNOWLEDGE OF FOREIGN ESPIONAGE, COUNTERESPIONAGE, OR SABOTAGE MATTERS UNDER THE ACT OF AUGUST 1, 1956

■ 19. The authority citation for part 12 is revised to read as follows:

Authority: Sec. 5, 70 Stat. 900; 50 U.S.C. 854.

■ 20. Revise § 12.2 to read as follows:

§ 12.2 Administration of act.

The administration of the act is assigned to the National Security Division, Department of Justice. Communications with respect to the act shall be addressed to the National Security Division, Department of Justice, Washington, DC 20530. Copies of the act and the regulations contained in this part, including the forms mentioned therein, may be obtained upon request without charge.

■ 21. Revise 12.20 to read as follows:

§ 12.20 Filing of registration statement.

Registration statements shall be filed in duplicate with the National Security Division, Department of Justice, Washington, DC 20530. Filing may be made in person or by mail, and shall be deemed to have taken place upon the receipt thereof by the Division.

PART 17—CLASSIFIED NATIONAL SECURITY INFORMATION AND ACCESS TO CLASSIFIED INFORMATION

■ 22. The authority citation for part 17 is revised to read as follows:

Authority: 28 U.S.C. 501, 509, 510, 515–519; 5 U.S.C. 301; E.O. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; 32 CFR part 2001.

§ 17.1 [Amended]

■ 23. In § 17.1(a) remove the words ''Office of Intelligence Policy and Review'' and add, in their place, the words ''National Security Division''.

■ 24. Revise § 17.13 to read as follows:

§ 17.13 National Security Division; interpretation of Executive Orders.

(a) The Assistant Attorney General for National Security or a designee shall represent the Attorney General at interagency meetings on matters of general interest concerning national security information.

(b) The Assistant Attorney General for National Security shall provide advice and interpretation on any issues that arise under Executive Orders 12958 and 12968 and shall refer such questions to the Office of Legal Counsel, as appropriate.

(c) Any request for interpretation of Executive Order 12958 or Executive Order 12968, pursuant to section 6.1(b) of Executive Order 12958, and section 7.2(b) of Executive Order 12968, shall be referred to the Assistant Attorney General for National Security, who shall refer such questions to the Office of Legal Counsel, as appropriate.

■ 25. Revise § 17.14(b)(1) to read as follows:

§ 17.14 Department Review Committee.

* * * * *

(b)(1) The DRC shall consist of a senior representative designated by the:

(i) Deputy Attorney General;

(ii) Assistant Attorney General, Office of Legal Counsel;

(iii) Assistant Attorney General, Criminal Division;

(iv) Assistant Attorney General, Civil Division;

(v) Assistant Attorney General for National Security;

(vi) Assistant Attorney General for Administration; and

(vii) Director, Federal Bureau of Investigation.

* * * * *

§ 17.15 [Amended]

■ 26. In § 17.15(b), remove the words ''Counsel for Intelligence Policy'' and add, in their place, the words ''Assistant Attorney General for National Security''.

■ 27. Revise § 17.18(b), (i), (j)(2), and (j)(3) to read as follows:

§ 17.18 Prepublication review.

* * * * *

(b) Persons subject to these requirements are invited to discuss their plans for public disclosures of information that may be subject to these obligations with authorized Department representatives at an early stage, or as soon as circumstances indicate these policies must be considered. Except as provided in paragraph (j) of this section for FBI personnel, all questions concerning these obligations should be addressed to the Assistant Attorney General for National Security, Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530. The official views of the Department on whether specific materials require prepublication review may be expressed only by the Assistant Attorney General for National Security and persons should not act in reliance upon the views of other Department personnel.

* * * * *

(i) The Assistant Attorney General for National Security or a designee (or, in the case of FBI employees, the Section Chief, Records/Information Dissemination Section, Records Management Division) will respond substantively to prepublication review requests within 30 working days of receipt of the submission. Priority shall be given to reviewing speeches, newspaper articles, and other materials that the author seeks to publish on an expedited basis. The Assistant Attorney General's decisions may be appealed to the Deputy Attorney General, who will process appeals within 15 days of receipt of the appeal. The Deputy Attorney General's decision is final and not subject to further administrative appeal. Persons who are dissatisfied with the final administrative decision may obtain judicial review either by filing an action for declaratory relief, or by giving the Department notice of their intention to proceed with publication despite the Department's request for deletions of classified information and giving the Department 30 working days to file a civil action seeking a court order prohibiting disclosure. Employees and other affected individuals remain obligated not to disclose or publish information determined by the Government to be classified until any civil action is resolved.

(j) * * *

* * * * *

(2) FBI employees required to sign nondisclosure agreements containing a provision for prepublication review pursuant to this subpart shall submit materials for review to the Section Chief, Records/Information Dissemination Section, Records Management Division. Such individuals shall also submit questions as to whether specific materials require prepublication review under such agreements to that Section for resolution. Where such questions raise policy questions or concern significant issues of interpretation under such an agreement, the Section Chief, Records/Information Dissemination Section, Records Management Division, shall consult with the Assistant Attorney General for National Security, or a designee, prior to responding to the inquiry.

(3) Decisions of the Section Chief, Records/Information Dissemination Section, Records Management Division, concerning the deletion of classified information, may be appealed to the Director, FBI, who will process appeals within 15 working days of receipt. Persons who are dissatisfied with the Director's decision may, at their option, appeal further to the Deputy Attorney General as provided in paragraph (i) of this section. Judicial review, as set forth in that paragraph, is available following final agency action in the form of a decision by the Director, if the appeal process in paragraph (i) of this section is pursued, the Deputy Attorney General.

§ 17.42 [Amended]

■ 28. In § 17.42(a), remove the words ''Counsel for Intelligence Policy'' and add, in their place, the words ''Assistant Attorney General for National Security''.

PART 65—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

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

Authority: The Comprehensive Crime Control Act of 1984, Title II, Chap. VI, Div. I, Subdiv. B, Emergency Federal Law Enforcement Assistance, Pub. L. 98–473, 98 Stat. 1837, Oct. 12, 1984 (42 U.S.C. 10501 *et seq.*); 8 U.S.C. 1101 note; Sec. 610, Pub. L. 102–140, 105 Stat. 832.

■ 30. Revise § 65.70(c) to read as follows:

§ 65.70 Definitions.

* * * * *

(c) *Federal law enforcement community.* The term *Federal law enforcement community* is defined by the Act as the heads of the following departments or agencies:

(1) Federal Bureau of Investigation;

(2) Drug Enforcement Administration;

(3) Criminal Division of the Department of Justice;

(4) Internal Revenue Service;

(5) Customs Service;

(6) Department of Homeland Security;

(7) U.S. Marshals Service;

(8) National Park Service;

(9) U.S. Postal Service;

(10) Secret Service;

(11) U.S. Coast Guard;

(12) Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(13) National Security Division of the Department of Justice; and

(14) Other Federal agencies with specific statutory authority to investigate violations of Federal criminal law.

* * * * *

PART 73—NOTIFICATIONS TO THE ATTORNEY GENERAL BY AGENTS OF FOREIGN GOVERNMENTS

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

Authority: 18 U.S.C. 951, 28 U.S.C. 509, 510.

§ 73.3 [Amended]

■ 32. In § 73.3(a) remove the words ''Registration Unit of the Criminal Division'' and add, in their place, the words ''National Security Division''.

Dated: February 14, 2007.

Alberto R. Gonzales,

Attorney General.

[FR Doc. E7–3755 Filed 3–6–07; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2530

RIN 1210–AB15

Interim Final Rule Relating to Time and Order of Issuance of Domestic Relations Orders

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Interim final rule with request for comments.

SUMMARY: This document contains an interim final rule issued under section 1001 of the Pension Protection Act of 2006, Public Law 109–280 (PPA), which requires the Secretary of Labor to issue, not later than 1 year after the date of the enactment of the PPA, regulations clarifying certain issues relating to the timing and order of domestic relations orders under section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended (ERISA). The rule contained in this document provides guidance to plan administrators, service providers, participants, and alternate payees on the qualified domestic relations order (QDRO) requirements under ERISA. The rule is being adopted in response to the specific statutory directive contained in the PPA. Interested persons are invited to submit comments on the interim final rule for consideration by the Department of Labor in developing a final rule.

DATES: *Effective date:* The interim final rule is effective on April 6, 2007. *Comment date:* Written comments on the interim final rule must be received by May 7, 2007.

ADDRESSES: To facilitate the receipt and processing of comments, EBSA encourages interested persons to submit their comments electronically to *e-ORI@dol.gov,* or by using the Federal eRulemaking portal *http://www.regulations.gov* (follow instructions for submission of comments). Persons submitting comments electronically are encouraged not to submit paper copies. Persons interested in submitting comments on paper should send or deliver their comments (preferably three copies) to: Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5669, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: QDRO Regulation. All comments will be available to the public, without charge, online at *http://www.regulations.gov* and *http://www.dol.gov/ebsa,* and at the Public Disclosure Room, Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Yolanda R. Wartenberg, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, Washington, DC 20210, (202) 693–8510. This is not a toll free number.

SUPPLEMENTARY INFORMATION:

A. Qualified Domestic Relations Order Provisions

Section 206(d)(3) of title I of ERISA, and the related provisions of section 414(p) of the Internal Revenue Code of 1986 (Code), establish a limited exception to the prohibitions against assignment and alienation contained in ERISA section 206(d)(1) and Code section 401(a)(13).[1] Under this limited exception, a participant's benefits under a pension plan may be assigned to an alternate payee, defined as the participant's spouse, former spouse, child, or other dependent, pursuant to an order that constitutes a qualified domestic relations order (QDRO) within the meaning of those provisions. Such QDROs, in addition, survive the federal preemption of State law imposed by ERISA section 514(a) by virtue of ERISA section 514(b)(7).

Pursuant to the QDRO provisions, a plan administrator must determine, in accordance with specified procedures, whether an order purporting to divide a participant's benefits under a plan meets the applicable requirements set forth in section 206(d)(3) of ERISA. If the plan administrator determines that the order meets these requirements and is, accordingly, a QDRO within the meaning of section 206(d)(3), the plan administrator must distribute the assigned portion of the participant's benefits to the alternate payee or payees named in the order in accordance with the terms of the order.

Subparagraphs (G) and (H) of ERISA section 206(d)(3) set forth provisions relating to the procedures that a plan must establish, and a plan administrator must observe, in determining whether an order is a QDRO and in administering the plan and the participant's benefits during the period in which the plan administrator is making such a determination. The plan's procedures must be reasonable, must be in writing, must require prompt notification and disclosure of the procedures to participants and alternate payees upon receipt of an order, and must permit alternate payees to designate representatives for notice purposes. In addition, the plan administrator must complete the determination process and notify participants and alternate payees of its determination within a reasonable period after receipt of the order.

Subparagraph (H) of section 206(d)(3) provides specific procedural protection of a potential alternate payee's interest in a participant's benefits during the plan's determination process and for a period of up to 18 months (the 18-month period) during which the issue of the qualified status of a domestic relations order is being determined—whether by the plan administrator, by a court of competent jurisdiction, or

[1] The QDRO provisions were added to ERISA and the Code by the Retirement Equity Act of 1984 (REA), Public Law 96–397, 96 Stat. 1438 (1984). Except where no corresponding provision exists, all references to paragraphs of ERISA section 206(d)(3) should be read to refer to corresponding provisions of Code section 414(p). The Secretary of Labor has authority to interpret the QDRO provisions, section 206(d)(3), and its parallel provision at section 414(p) of the Code, and to issue QDRO regulations in consultation with the Secretary of the Treasury. 29 U.S.C. 1056(d)(3)(N). The Secretary of the Treasury has authority to issue rules and regulations necessary to coordinate the requirements of section 414(p) (and the regulations issued by the Secretary of Labor thereunder) with the other provisions of Chapter I of Subtitle A of the Code. 26 U.S.C. 401(n). The Secretary of the Treasury has been consulted on this interim final rule.

otherwise. During the 18-month period, a plan administrator must separately account for any amounts that would have been payable to the alternate payee if the order had been immediately treated as a QDRO and must pay these amounts (including any interest thereon) to the alternate payee if the order is deemed qualified within such period. If the issue as to whether the order is a QDRO is not resolved within the 18-month period, the plan administrator is to pay such amounts to the person or persons who would have been entitled to the amounts if there had been no order. Any determination that an order is a QDRO that is made after the close of the 18-month period is to be applied prospectively only.

If a plan fiduciary, acting in accordance with the fiduciary responsibility provisions of part 4 of title I of ERISA, treats an order as a QDRO (or determines that such an order is not a QDRO) and distributes benefits in accordance with that determination, paragraph (I) of section 206(d)(3) provides that the obligations of the plan and its fiduciaries to the affected participants and alternate payees with respect to the distribution shall be treated as discharged.

The QDRO provisions detail specific requirements that an order must satisfy in order to constitute a QDRO. The order must be a ''domestic relations order'' issued pursuant to a State domestic relations law (including a community property law) that relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant. Section 206(d)(3)(B)(ii). It must create or recognize the existence of an alternate payee's right to receive all or a portion of the benefits payable to a participant under a plan. Section 206(d)(3)(B)(i). Further, it must clearly specify the name and last known mailing address (if any) of the participant and the name and mailing address of each alternate payee covered by the order; the amount or percentage of the participant's benefits to be paid by the plan(s) to each such alternate payee, or the manner in which such amount or percentage is to be determined; the number of payments or period to which the order applies; and each plan to which the order applies. Section 206(d)(3)(C). An order will fail to be a QDRO, however, if it requires the plan to provide any type or form of benefit, or any option, not otherwise provided under the plan; to provide increased benefits determined on the basis of actuarial value; or to pay benefits to an alternate payee that are required to be paid to another alternate payee under another order previously determined to be a QDRO. Section 206(d)(3)(D).

B. Pension Protection Act of 2006

Under section 1001 of the Pension Protection Act of 2006 (PPA), Public Law 109–280, section 1001, 120 Stat. 780 (2006), Congress instructed the Secretary of Labor to issue regulations, not later than 1 year after the date of the enactment, under section 206(d)(3) of ERISA and section 414(p) of the Code, to clarify that—(1) a domestic relations order otherwise meeting the requirements to be a QDRO, including the requirements of section 206(d)(3)(D) of ERISA and section 414(p)(3) of the Code, shall not fail to be treated as a QDRO solely because—(A) the order is issued after, or revises, another domestic relations order or QDRO; or (B) of the time at which it is issued. Section 1001 of the PPA also requires that the regulations clarify that such orders are subject to all of the same requirements and protections that apply to QDROs, including the provisions of section 206(d)(3)(H) of ERISA and section 414(p)(7) of the Code.

C. Overview of Interim Final Rule

Scope of the Regulation

Paragraph (a) of the regulation provides that the scope of the regulation is to implement the directive contained in section 1001 of the PPA to clarify certain timing issues with respect to domestic relations orders and qualified domestic relations orders under ERISA.

Subsequent Domestic Relations Orders

Paragraph (b)(1) of the regulation provides that a domestic relations order otherwise meeting ERISA's requirements to be a QDRO shall not fail to be treated as a QDRO solely because the order is issued after, or revises, another domestic relations order or QDRO. Paragraph (b)(2) provides examples of this rule.[2] Example 1 illustrates this rule as applied to a subsequent order revising an earlier QDRO involving the same parties. Example 2 illustrates this rule in the context of a subsequent order involving the same participant and a different alternate payee.

Timing of Domestic Relations Order

Paragraph (c)(1) of the regulation provides that a domestic relations order otherwise meeting ERISA's requirements to be a QDRO shall not fail to be treated as a QDRO solely because of the time at which it is issued. Paragraph (c)(2) provides examples of this rule. Example 1 illustrates the principle that a domestic relation order will not fail to be a QDRO solely because it is issued after the death of the participant. Example 2 illustrates that a domestic relation order will not fail to be a QDRO solely because it is issued after the parties divorce. Example 3 illustrates that an order would not fail to be a QDRO solely because it is issued after the participant's annuity starting date.

Requirements and Protections

Paragraph (d)(1) of the regulation provides that any domestic relations order described in paragraph (b) or (c) of the regulation shall be subject to the same requirements and protections that apply to all QDROs under section 206(d)(3) of ERISA. Paragraph (d)(2) provides examples of this rule. Example 1 illustrates that, although an order will not fail to be a QDRO solely because it is issued after the death of the participant, the order would fail to be a QDRO if it requires the plan to provide a type or form of benefit, or any option, not otherwise provided under the plan. Example 2 illustrates application of the protective rules regarding segregation of payable benefits to a second order involving the same participant and alternate payee. Example 3 illustrates that, although an order will not fail to be a QDRO solely because it is issued after another QDRO, the order would fail to be a QDRO if it assigns benefits already assigned to another alternate payee under another QDRO.

D. Effective Date

The interim final regulation will be effective 30 days after the date of publication in the **Federal Register**. The guidance provided by the interim final regulation is in response to the direction from Congress in section 1001 of the PPA to the Secretary of Labor to issue regulations to clarify current law under section 206(d)(3) of ERISA. The Department, therefore, has determined it is necessary and appropriate to proceed with an interim final rule to provide the clarification mandated by Congress, while also requesting public comments on the matter for the purpose of drafting a final rule.

E. Justification for Interim Final Rulemaking

This regulation incorporates, with minor changes, language in section 1001 of the Pension Protection Act. The changes do not modify the meaning of

[2] The examples in paragraphs (b)(2), (c)(2) and (d)(2) of the regulation show how the rules in paragraphs (b)(1), (c)(1) and (d)(1), respectively, apply to specific facts. They do not represent the only circumstances for which these rules would provide clarification.

the statutory language. In the Department's view, Congress directed the Secretary to adopt the substance of this language as a clarification of current law. In issuing these regulations, the Secretary has not deviated from the narrow Congressional directive. The examples included in the regulation merely provide interpretive guidance by explaining how the statutory language would apply to particular facts. Therefore, in accordance with section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), the Department finds for good cause that notice and public procedure on this regulation is unnecessary. To the extent that the examples go beyond the statutory language, they are purely interpretive and are not subject to the notice and public procedure requirements of section 553(b).

F. Request for Comments

The Department invites comments from interested persons on all aspects of the interim final rule, including whether, and to what extent, there are additional factual scenarios that should be added to the examples already in the interim final rule. To facilitate the receipt and processing of comments, EBSA encourages interested persons to submit their comments electronically by e-mail to *e-ORI@dol.gov,* or by using the Federal eRulemaking portal at *http://www.regulations.gov* (follow instructions for submission of comments). Persons submitting comments electronically are encouraged not to submit paper copies. Persons interested in submitting comments on paper should send or deliver their comments (preferably three copies) to: Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5669, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: QDRO Regulation. All comments will be available to the public, without charge, online at *http://www.regulations.gov* and *http://www.dol.gov/ebsa,* and at the Public Disclosure Room, Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC, 20210.

G. Regulatory Impact Analysis

Executive Order 12866 Statement

Under Executive Order 12866 (58 FR 51735), the Department must determine whether a regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB). Section 3(f) of the Executive Order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. The Department has determined that this regulatory action is not economically significant within the meaning of section 3(f)(1) the Executive Order. However, the Office of Management and Budget (OMB) has determined that the action is significant within the meaning of section 3(f)(4) of the Executive Order, and the Department accordingly provides the following assessment of its potential costs and benefits.

This interim final rule is intended to clarify the statutory requirements for QDROs under section 206(d)(3) of ERISA and section 414(p) of the Code. The provisions of section 206(d)(3) generally assist State authorities in deciding permissible ways in which pension benefits may be divided in domestic relations matters. The rules and processes under section 206(d)(3) make it possible for plan administrators to determine whether a State order seeking to assign pension benefits to an alternate payee should be given effect under the plan; clear rules concerning what constitutes a QDRO have the effect of assisting plan administrators in reviewing orders received by the plan, as well as participants and alternate payees in planning how to take pension assets into account when significant events require making a division of marital assets.

In directing the Department, in section 1001 of the Pension Protection Act, to clarify the application of the QDRO provisions, Congress expressed the view that existing uncertainty about the application of those provisions has caused difficulties meriting resolution through regulatory action. Uncertainty concerning the application of the QDRO provisions can impose litigation and other costs on plans, participants, and alternate payees, as well as on State domestic relations authorities, that will be reduced through the promulgation of this rule. Consistent with the view of Congress, the rule clarifies, first, that the sequence in which multiple orders may be issued does not in itself affect whether the orders are QDROs, and, second, that the time at which an order is issued does not, in itself, determine whether an order is or is not a QDRO. The rule further reiterates that an order must meet the specific requirements of sections 206(d)(3) of ERISA and section 414(p) of the Code.

By reducing uncertainty over the application of the statutory requirements in specific circumstances, the rule is expected to reduce costs that might otherwise arise from the necessity of resolving uncertainty in such circumstances. By providing clearer rules for plan administrators, the rule is also expected to increase the efficiency of plan administration. In addition, the Department is issuing this rule in direct response to a Congressional directive. As described above, section 1001 of the Pension Protection Act requires the Department to issue regulations clarifying that an order otherwise meeting the requirements of section 206(d)(3) of ERISA for a QDRO should not fail to be treated as a QDRO solely because it was issued after or revised another order, or because of the time at which it was issued. In issuing this interim final rule, therefore, the Department is fulfilling objectives expressly endorsed by Congress. Because the rule applies only in certain specific circumstances and affects only a small subset of domestic relations orders, the Department believes that its economic impact will be small, overall, but positive.

The rule is not anticipated to impose increased compliance costs, since it merely establishes the legal effect of certain sequences of events. Although it may cause some orders to be treated as QDROs that otherwise might be disputed (or fail to be treated as a QDRO), the rule provides certainty with respect to the circumstances it covers, which will aid State authorities seeking to divide pension benefits and assist plan administrators seeking to discharge their obligations under section 206(d)(3) of ERISA, without limiting the power of State authorities to determine the proper division of marital assets. The rule is expected generally to provide benefits to pension plans, plan participants and alternate payees, and State domestic relations authorities by increasing the clarity of the rules that apply to QDROs.

Based on the foregoing assessment, the Department concludes that promulgation of this interim final rule

will provide substantial benefits without imposing major costs.

Paperwork Reduction Act

The interim final regulation being issued here is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) because it does not contain an ''information collection'' as defined in 44 U.S.C. 3502 (11).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C 551 *et seq.*) and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency certifies that a proposed rule will not have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires that the agency present an initial regulatory flexibility analysis at the time of the publication of the notice of proposed rule-making describing the impact of the rule on small entities and seeking public comment on such impact. Because this rule is being issued as an interim final rule, the RFA does not apply and the Department is not required to either certify that the rule will not have a significant impact on a substantial number of small businesses or conduct an initial regulatory flexibility analysis. Nevertheless, the Department has considered the likely impact of the interim rule on small entities in connection with its assessment under Executive Order 12866, described above, and believes this rule will not have a significant impact on a substantial number of small entities. For purposes of this discussion, the Department deemed a small entity to be an employee benefit plan with fewer than 100 participants. The basis of this definition is found in section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for pension plans which cover fewer than 100 participants. The Department invites comments on the effect of the interim final rule on small entities.

Congressional Review Act

The interim final rule being issued here is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) and will be transmitted to Congress and the Comptroller General for review. The interim final rule is not a ''major rule'' as that term is defined in 5 U.S.C. 804, because it does not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the interim final rule does not include any federal mandate that may result in expenditures by State, local, or tribal governments, or impose an annual burden exceeding $100 million on the private sector.

Federalism Statement

Executive Order 13132 (August 4, 1999) outlines fundamental principles of federalism and requires federal agencies to adhere to specific criteria in the process of their formulation and implementation of policies that have substantial direct effects on the States, the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This interim final rule does not have federalism implications because it has no 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. Section 514 of ERISA provides, with certain exceptions specifically enumerated, that the provisions of titles I and IV of ERISA supersede any and all laws of the States as they relate to any employee benefit plan covered under ERISA. One exception described in section 514(b)(7) is for qualified domestic relations orders, as defined in section 206(d)(3) of ERISA. The interim rule does not alter the provisions of the statute, but merely clarifies the status of certain types of domestic relations orders under ERISA.

List of Subjects in 29 CFR Part 2530

Alternate payee, Divorce, Domestic relations orders, Employee benefit plans, Marital property, Pensions, Plan administrator, Qualified domestic relations orders, Spouse.

■ For the reasons set forth in the preamble, the Department amends Subchapter D, Part 2530 of Title 29 of the Code of Federal Regulations as follows:

Subchapter D—Minimum Standards for Employee Pension Benefit Plans Under the Employee Retirement Income Security Act of 1974

PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS

■ 1. The authority citation for part 2530 is revised to read as follows:

Authority: Secs. 201, 202, 203, 204, 210, 505, 1011, 1012, 1014, and 1015, Pub. L. 93–406, 88 Stat. 852–862, 866–867, 894, 898–913, 924–929 (29 U.S.C. 1051–4, 1060, 1135, 26 U.S.C. 410, 411, 413, 414); Secretary of Labor's Order No. 13–76. Section 2530.206 also issued under sec. 1001, Pub. L. 109–280, 120 Stat. 780.

■ 2. Add § 2530.206 to read as follows:

§ 2530.206 Time and order of issuance of domestic relations orders.

(a) *Scope.* This section implements section 1001 of the Pension Protection Act of 2006 by clarifying certain timing issues with respect to domestic relations orders and qualified domestic relations orders under the Employee Retirement Income Security Act of 1974, as amended (ERISA), 29 U.S.C. 1001 *et seq.*

(b) *Subsequent domestic relations orders.* (1) Subject to paragraph (d)(1) of this section, a domestic relations order shall not fail to be treated as a qualified domestic relations order solely because the order is issued after, or revises, another domestic relations order or qualified domestic relations order.

(2) The rule described in paragraph (b)(1) of this section is illustrated by the following examples:

Example (1). Subsequent domestic relations order between the same parties. Participant and Spouse divorce, and the administrator of Participant's 401(k) plan receives a domestic relations order. The administrator determines that the order is a QDRO. The QDRO allocates a portion of Participant's benefits to Spouse as the alternate payee. Subsequently, before benefit payments have commenced, Participant and Spouse seek and receive a second domestic relations order. The second order reduces the portion of Participant's benefits that Spouse was to receive under the QDRO. The second order does not fail to be treated as a QDRO solely because the second order is issued after, and reduces the prior assignment contained in, the first order.

Example (2). Subsequent domestic relations order between different parties. Participant and Spouse divorce, and the administrator of Participant's 401(k) plan receives a domestic relations order. The administrator determines that the order is a QDRO. The QDRO allocates a portion of

Participant's benefits to Spouse as the alternate payee. Participant marries Spouse 2, and then they divorce. Participant's 401(k) plan administrator subsequently receives a domestic relations order pertaining to Spouse 2. The order assigns to Spouse 2 a portion of Participant's 401(k) benefits not already allocated to Spouse 1. The second order does not fail to be a QDRO solely because the second order is issued after the plan administrator has determined that an earlier order pertaining to Spouse 1 is a QDRO.

(c) *Timing.* (1) Subject to paragraph (d)(1) of this section, a domestic relations order shall not fail to be treated as a qualified domestic relations order solely because of the time at which it is issued.

(2) The rule described in paragraph (c)(1) of this section is illustrated by the following examples:

Example (1). Orders issued after death. Participant and Spouse divorce, and the administrator of Participant's plan receives a domestic relations order, but the administrator finds the order deficient and determines that it is not a QDRO. Shortly thereafter, Participant dies while actively employed. A second domestic relations order correcting the defects in the first order is subsequently submitted to the plan. The second order does not fail to be treated as a QDRO solely because it is issued after the death of the Participant.

Example (2). Orders issued after divorce. Participant and Spouse divorce. As a result, Spouse no longer meets the definition of ''surviving spouse'' under the terms of the plan. Subsequently, the plan administrator receives a domestic relations order requiring that Spouse be treated as the Participant's surviving spouse for purposes of receiving a death benefit payable under the terms of the plan only to a participant's surviving spouse. The order does not fail to be treated as a QDRO solely because, at the time it is issued, Spouse no longer meets the definition of a ''surviving spouse'' under the terms of the plan.

Example (3). Orders issued after annuity starting date. Participant retires and commences benefit payments in the form of a straight life annuity, with respect to which Spouse waives the surviving spousal rights provided under the plan and section 205 of ERISA. Participant and Spouse divorce after Participant's annuity starting date and present the plan with a domestic relations order providing for Spouse, as alternate payee, to receive half of the benefit payments that are made to Participant after a specified future date. Pursuant to paragraph (c)(1) of this section, the order does not fail to be a QDRO solely because it is issued after the annuity starting date.

(d) *Requirements and protections.* (1) Any domestic relations order described in this section shall be subject to the same requirements and protections that apply to qualified domestic relations orders under section 206(d)(3) of ERISA.

(2) The rule described in paragraph (d)(1) of this section is illustrated by the following examples:

Example (1). Type or form of benefit. Participant and Spouse divorce, and their divorce decree provides that the parties will prepare a domestic relations order assigning 50 percent of Participant's benefits under a 401(k) plan to Spouse to be paid in monthly installments over a ten-year period. Shortly thereafter, Participant dies while actively employed. A domestic relations order consistent with the decree is subsequently submitted to the 401(k) plan; however, the plan does not provide for ten-year installment payments of the type described in the order. Pursuant to paragraph (c)(1) of this section, the order does not fail to be treated as a QDRO solely because it is issued after the death of Participant, but the order would fail to be a QDRO under section 206(d)(3)(D)(i) and paragraph (d)(1) of this section because the order requires the plan to provide a type or form of benefit, or any option, not otherwise provided under the plan.

Example (2). Segregation of payable benefits. Participant and Spouse divorce, and the administrator of Participant's plan receives a domestic relations order under which Spouse would begin to receive benefits immediately if the order is determined to be a QDRO. The plan administrator separately accounts for the amounts covered by the domestic relations order as is required under section 206(d)(3)(H)(v) of ERISA. The plan administrator finds the order deficient and determines that it is not a QDRO. Subsequently, after the expiration of the segregation period pertaining to that order, the plan administrator receives a second domestic relations order relating to the same parties under which Spouse would begin to receive benefits immediately if the second order is determined to be a QDRO. Notwithstanding the expiration of the first segregation period, the amounts covered by the second order must be separately accounted for by the plan administrator for an 18-month period, in accordance with section 206(d)(3)(H) of ERISA and paragraph (d)(1) of this section.

Example (3). Previously assigned benefits. Participant and Spouse divorce, and the administrator of Participant's 401(k) plan receives a domestic relations order. The administrator determines that the order is a QDRO. The QDRO assigns a portion of Participant's benefits to Spouse as the alternate payee. Participant marries Spouse 2, and then they divorce. Participant's 401(k) plan administrator subsequently receives a domestic relations order pertaining to Spouse 2. The order assigns to Spouse 2 a portion of Participant's 401(k) benefits already assigned to Spouse 1. The second order does not fail to be treated as a QDRO solely because the second order is issued after the plan administrator has determined that an earlier order pertaining to Spouse 1 is a QDRO. The second order, however, would fail to be a QDRO under section 206(d)(3)(D)(iii) and paragraph (d)(1) of this section because it assigns all or a portion of Participant's benefits that are already assigned to Spouse 1 by the prior QDRO.

Signed at Washington, DC, this 28th day of February, 2007.

Bradford P. Campbell,

Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. E7–3820 Filed 3–6–07; 8:45 am]

BILLING CODE 4510–29–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2006–0658; FRL–8116–9]

Polymer of 2-Ethyl-2-(Hydroxymethyl)-1,3-Propanediol, Oxirane, Methyloxirane, 1,2-Epoxyalkanes; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of polymer of 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes; when used as inert ingredients in a pesticide chemical formulation. BASF Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA) requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of polymer of 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes.

DATES: This regulation is effective March 7, 2007. Objections and requests for hearings must be received on or before May 7, 2007, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2006–0658. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the

index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Drive, Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Bipin Gandhi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8380; e-mail address: *gandhi.bipin@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of This Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at *http://www.regulations.gov*, you may access this ''**Federal Register**'' document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2006–0658 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 7, 2007.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA–HQ–OPP–2006–0658, by one of the following methods.

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of December 20, 2006 (71 FR 76321) (FRL–8104–4), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a, as amended by the FQPA (Public Law 104–170), announcing the filing of a pesticide petition (PP 6E7079) by BASF Corporation, 100 Campus Drive, Florham Park, NJ 07932. The petition requested that 40 CFR 180.960 be amended by establishing exemptions from the requirement of a tolerance for residues of polymer of 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes; CAS Reg. No. 903890–89–1 when 1,2-epoxyalkane is 1,2-epoxydodecane; CAS Reg. No. 903890–90–4 when 1,2-epoxyalkane is 1,2-epoxyhexadecane; and CAS Reg. No. 893427–80–0 when 1,2-epoxyalkane is 1,2-epoxyoctadecane. That notice included a summary of the petition prepared by the petitioner. There were no comments in response to the notice of filing.

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) of the FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *'' and specifies factors EPA is to consider in establishing an exemption.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents;

and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers that should present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b). The following exclusion criteria for identifying these low risk polymers are described in 40 CFR 723.250(d).

1. The polymers are not cationic polymers nor are they reasonably anticipated to become a cationic polymers in a natural aquatic environment.

2. The polymers do contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymers do not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymers are neither designed nor can they be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymers are manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymers are not water absorbing polymers with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

Additionally, the polymers, also meet as required the following exemption criteria specified in 40 CFR 723.250(e).

7. The polymers' number average MW of 16,000 to 20,000 are greater than or equal to 10,000 daltons. The polymers contain less than 2% oligomeric material below MW 500 and less than 5% oligomeric material below MW 1,000.

Thus, the polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes meets all the criteria for a polymers to be considered low risk under 40 CFR 723.250. Based on its conformance to the above criteria, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes.

V. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposures were possible. The number average MW of polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes is in the range of 16,000 to 20,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes conforms to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

VI. Cumulative Effects

Section 408 (b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance or tolerance exemption, the Agency consider ''available information'' concerning the cumulative effects of a particular chemical's residues and ''other substances that have a common mechanism of toxicity.'' EPA does not have, at this time, available data to determine whether polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes has a common mechanism of toxicity with other substances. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes and any other substances and polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes do not appear to produce toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes have common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at *http://www.epa.gov/pesticides/cumulative*.

VII. Additional Safety Factor for the Protection of Infants and Children

Section 408 of the FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VIII. Determination of Safety

Based on the conformance to the criteria used to identify a low risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes.

IX. Other Considerations

A. Endocrine Disruptors

There is no available evidence that polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes are endocrine disruptors.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. International Tolerances

The Agency is not aware of any country requiring a tolerance for polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes nor have any CODEX Maximum Residue Levels (MRLs) been established for any food crops at this time.

X. Conclusion

Accordingly, EPA finds that exempting residues of polymer of 2-ethyl-2-(hydroxymethyl)-1,3 propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes from the requirement of a tolerance will be safe.

XI. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000) do not apply to this rule. In addition, This rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

XII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 27, 2007.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 1 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960 the table is amended by adding alphabetically polymers to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * *	* *
Oxirane, decyl-, reaction products with polyethylene-polypropylene glycol ether with trimethylolpropane (3:1).	903890–89–1
Oxirane, hexadecyl-, reaction products with polyethylene-polypropylene glycol ether with trimethylolpropane (3:1).	893427–80–0
Oxirane, methyl-, polymer with oxirane, ether with 2-ethyl-2-(hydroxymethyl) – 1,3 - propanediol (3:1), reaction products with tetradecyloxirane.	903890–90–4
* * *	* *

[FR Doc. E7–4083 Filed 3–6–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2006–0755, EPA–HQ–SFUND–2006–0758, EPA–HQ–SFUND–2006–0760, EPA–HQ–SFUND–2006–0761, EPA–HQ–SFUND–2006–0762; FRL–8283–7]

RIN 2050–AD75

National Priorities List, Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation. These further investigations will allow EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds five sites to the General Superfund Section of the NPL.

EFFECTIVE DATE: The effective date for this amendment to the NCP is April 6, 2007.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see section II, ''Availability of Information to the Public'' in the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone (703) 603–8852, State, Tribal and Site Identification Branch; Assessment and Remediation Division; Office of Superfund Remediation and Technology Innovation (mail code 5204P); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW., Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
A. What Are CERCLA and SARA?
B. What Is the NCP?
C. What Is the National Priorities List (NPL)?
D. How Are Sites Listed on the NPL?
E. What Happens to Sites on the NPL?
F. Does the NPL Define the Boundaries of Sites?
G. How Are Sites Removed From the NPL?
H. May EPA Delete Portions of Sites From the NPL as They Are Cleaned Up?
I. What Is the Construction Completion List (CCL)?
II. Availability of Information to the Public
A. May I Review the Documents Relevant to This Final Rule?
B. What Documents Are Available for Review at the Headquarters Docket?
C. What Documents Are Available for Review at the Regional Dockets?
D. How Do I Access the Documents?
E. How May I Obtain a Current List of NPL Sites?
III. Contents of This Final Rule
A. Additions to the NPL
B. What Did EPA Do With the Public Comments It Received?
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
1. What Is Executive Order 12866?
2. Is This Final Rule Subject to Executive Order 12866 Review?
B. Paperwork Reduction Act
1. What Is the Paperwork Reduction Act?
2. Does the Paperwork Reduction Act Apply to This Final Rule?
C. Regulatory Flexibility Act
1. What Is the Regulatory Flexibility Act?
2. How Has EPA Complied With the Regulatory Flexibility Act?
D. Unfunded Mandates Reform Act
1. What Is the Unfunded Mandates Reform Act (UMRA)?
2. Does UMRA Apply to This Final Rule?
E. Executive Order 13132: Federalism
What Is Executive Order 13132 and Is It Applicable to This Final Rule?
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
1. What Is Executive Order 13175?
2. Does Executive Order 13175 Apply to This Final Rule?
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
1. What Is Executive Order 13045?
2. Does Executive Order 13045 Apply to This Final Rule?
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Usage Is this Rule Subject to Executive Order 13211?
I. National Technology Transfer and Advancement Act
1. What Is the National Technology Transfer and Advancement Act?
2. Does the National Technology Transfer and Advancement Act Apply to This Final Rule?
J. Congressional Review Act
1. Has EPA Submitted This Rule to Congress and the General Accounting Office?
2. Could the Effective Date of This Final Rule Change?
3. What Could Cause a Change in the Effective Date of This Rule?

I. Background

A. What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances, and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, or releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section

105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites that are owned or operated by other Federal agencies (the ''Federal Facilities Section''). With respect to sites in the Federal Facilities Section, these sites are generally being addressed by other Federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing a Hazard Ranking System (HRS) score and determining whether the facility is placed on the NPL. EPA's role is less extensive than at other sites.

D. How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), which EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening tool to evaluate the relative potential of uncontrolled hazardous substances, pollutant or contaminants to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL; (2) Pursuant to 42 U.S.C 9605(a)(8)(B), each State may designate a single site as its top priority to be listed on the NPL, without any HRS score. This provision of CERCLA requires that, to the extent practicable, the NPL include one facility designated by each State as the greatest danger to public health, welfare, or the environment among known facilities in the State. This mechanism for listing is set out in the NCP at 40 CFR 300.425(c)(2); (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed without any HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658) and generally has updated it at least annually.

E. What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions * * *.'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. Does the NPL Define the Boundaries of Sites?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so. Indeed, the precise nature and extent of the site are typically not known at the time of listing.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance release has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. However, the NPL site is not necessarily coextensive with the boundaries of the installation or plant, and the boundaries of the installation or plant are not necessarily the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location where that contamination has come to be located, or from where that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site, properly understood, is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to, nor confined by, the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. In addition, the site name is merely used to help identify the geographic location of the contamination, and is not meant to constitute any determination of liability at a site. For example, the name ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the problem presented by the release'' will be determined by a Remedial Investigation/Feasibility Study (RI/FS) as more information is developed on site contamination (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, the HRS inquiry focuses on an evaluation of the threat posed and therefore the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are

completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, it can submit supporting information to the Agency at any time after it receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

H. May EPA Delete Portions of Sites From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use.

I. What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) EPA has determined that the response action should be limited to measures that do not involve construction (*e.g.*, institutional controls); or (3) the site qualifies for deletion from the NPL. For the most up-to-date information on the CCL, see EPA's Internet site at *http://www.epa.gov/superfund.*

II. Availability of Information to the Public

A. May I Review the Documents Relevant to This Final Rule?

Yes, documents relating to the evaluation and scoring of the sites in this final rule are contained in dockets located both at EPA Headquarters and in the Regional offices.

An electronic version of the public docket is available through *http://www.regulations.gov* (see table below for Docket Identification numbers). Although not all Docket materials may be available electronically, you may still access any of the publicly available Docket materials through the Docket facilities identified below in section II D.

Site name	City/state	FDMS docket ID No.
Elm Street Ground Water Contamination	Terre Haute, IN	EPA–HQ–SFUND–2006–0755
Sonford Products	Flowood, MS	EPA–HQ–SFUND–2006–0758
Bandera Road Ground Water Plume	Leon Valley, TX	EPA–HQ–SFUND–2006–0760
East 67th Street Ground Water Plume	Odessa, TX	EPA–HQ–SFUND–2006–0761
Lockheed West Seattle	Seattle, WA	EPA–HQ–SFUND–2006–0762

B. What Documents Are Available for Review at the Headquarters Docket?

The Headquarters Docket for this rule contains, for each site, the HRS score sheets, the Documentation Record describing the information used to compute the score, pertinent information regarding statutory requirements or EPA listing policies that affect the site, and a list of documents referenced in the Documentation Record. For sites that received comments during the comment period, the Headquarters Docket also contains a Support Document that includes EPA's responses to comments.

C. What Documents Are Available for Review at the Regional Dockets?

The Regional Dockets contain all the information in the Headquarters Docket, plus the actual reference documents containing the data principally relied upon by EPA in calculating or evaluating the HRS score for the sites located in their Region. These reference documents are available only in the Regional Dockets. For sites that received comments during the comment period, the Regional Docket also contains a Support Document that includes EPA's responses to comments.

D. How Do I Access the Documents?

You may view the documents, by appointment only, after the publication of this rule. The hours of operation for the Headquarters Docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. Please contact the Regional Dockets for hours.

Following is the contact information for the EPA Headquarters: Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue; EPA West, Room 3340, Washington, DC 20004, 202/566–1744.

The contact information for the Regional Dockets is as follows:

Joan Berggren, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Superfund Records and Information Center, Mailcode HSC, One Congress Street, Suite 1100, Boston, MA 02114–2023; 617/918–1417.

Dennis Munhall, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4343.

Dawn Shellenberger (ASRC), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3PM52, Philadelphia, PA 19103; 215/814–5364.

Debbie Jourdan, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street, SW, 9th floor, Atlanta, GA 30303; 404/562–8862.

Janet Pfundheller, Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA, Records Center, Superfund Division SRC–7J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/353–5821.

Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Mailcode 6SF–RA, Dallas, TX 75202–2733; 214/665–7436.

Michelle Quick, Region 7 (IA, KS, MO, NE), U.S. EPA, 901 North 5th Street, Kansas City, KS 66101; 913/551–7335.

Gwen Christiansen, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 1595 Wynkoop Street, Mailcode 8EPR–B, Denver, CO 80202–1129; 303/312–6463.

Dawn Richmond, Region 9 (AZ, CA, HI, NV, AS, GU), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105; 415/972–3097.

Ken Marcy, Region 10 (AK, ID, OR, WA), U.S. EPA, 1200 6th Avenue, Mail Stop ECL–115, Seattle, WA 98101; 206/553–2782.

E. How May I Obtain a Current List of NPL Sites?

You may obtain a current list of NPL sites via the Internet at *http://www.epa.gov/superfund/* (look under the Superfund sites category) or by contacting the Superfund Docket (see contact information above).

III. Contents of This Final Rule

A. Additions to the NPL

This final rule adds the following five sites to the NPL, all to the General Superfund Section:

State	Site name	City/county
IN	Elm Street Ground Water Contamination	Terre Haute.
MS	Sonford Products	Flowood.
TX	Bandera Road Ground Water Plume	Leon Valley.
TX	East 67th Street Ground Water Plume	Odessa.
WA	Lockheed West Seattle	Seattle.

B. What Did EPA Do With the Public Comments It Received?

EPA reviewed all comments received on the sites in this rule and responses to comments are below.

EPA received comments from the Mayor of Leon Valley, Texas on behalf of the City Council. The comment letter included a Leon Valley City Council resolution requesting that the Bandera Road Ground Water Plume be added to the NPL in order to remediate the community's water contamination. For the reasons set forth in the Administrative Record for the site, EPA is adding this site to the NPL.

For the remainder of sites in this rule, EPA received no comments, therefore, EPA is placing them on the NPL at this time. All comments that were received by EPA are contained in the Headquarters Docket and are also listed in EPA's electronic public Docket and comment system at *http://www.regulations.gov*.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

1. What Is Executive Order 12866?

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

2. Is This Final Rule Subject to Executive Order 12866 Review?

No. The listing of sites on the NPL does not impose any obligations on any entities. The listing does not set standards or a regulatory regime and imposes no liability or costs. Any liability under CERCLA exists irrespective of whether a site is listed. It has been determined that this action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

1. What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9.

2. Does the Paperwork Reduction Act Apply to This Final Rule?

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

1. What Is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

2. How Has EPA Complied With the Regulatory Flexibility Act?

This rule listing sites on the NPL does not impose any obligations on any group, including small entities. This rule also does not establish standards or requirements that any small entity must meet, and imposes no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release of hazardous substances depends on whether that entity is liable under CERCLA 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking. Thus, this rule does not impose any requirements on any small entities. For the foregoing reasons, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

1. What Is the Unfunded Mandates Reform Act (UMRA)?

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

2. Does UMRA Apply to This Final Rule?

No, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments in the aggregate, or by the private sector in any one year. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

E. Executive Order 13132: Federalism

What Is Executive Order 13132 and Is It Applicable to This Final Rule?

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

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation. This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

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

1. What Is Executive Order 13175?

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of

regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

2. Does Executive Order 13175 Apply to This Final Rule?

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this final rule.

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

1. What Is Executive Order 13045?

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

2. Does Executive Order 13045 Apply to This Final Rule?

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this section present a disproportionate risk to children.

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

Is This Rule Subject to Executive Order 13211?

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

1. What Is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

2. Does the National Technology Transfer and Advancement Act Apply to This Final Rule?

No. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Congressional Review Act

1. Has EPA Submitted This Rule to Congress and the General Accounting Office?

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

2. Could the Effective Date of This Final Rule Change?

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation.

Under the CRA, 5 U.S.C. 801(a), before a rule can take effect the federal agency promulgating the rule must submit a report to each House of the Congress and to the Comptroller General. This report must contain a copy of the rule, a concise general statement relating to the rule (including whether it is a major rule), a copy of the cost-benefit analysis of the rule (if any), the agency's actions relevant to provisions of the Regulatory Flexibility Act (affecting small businesses) and the Unfunded Mandates Reform Act of 1995 (describing unfunded federal requirements imposed on state and local governments and the private sector), and any other relevant information or requirements and any relevant Executive Orders.

EPA has submitted a report under the CRA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this document, since it is not a major rule. Section 804(2) defines a major rule as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds has resulted in or is likely to result in: an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. NPL listing is not a major rule because, as explained above, the listing, itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that EPA necessarily will undertake remedial action, nor does it require any action by any party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Section 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted.

3. What Could Cause a Change in the Effective Date of This Rule?

Under 5 U.S.C. 801(b)(1) a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha*, 462 U.S. 919,103 S. Ct. 2764 (1983) and *Bd. of Regents of the University of Washington* v. *EPA*, 86 F.3d 1214,1222 (D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 27, 2007.

Susan Parker Bodine,

Assistant Administrator, Office of Solid Waste and Emergency Response.

■ 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to part 300 is amended by adding the following sites in alphabetical order to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes [a]
*	*	*	*
IN	Elm Street Ground Water Contamination	Terre Haute.	
*	*	*	*
MS	Sonford Products	Flowood.	
*	*	*	*
TX	Bandera Road Ground Water Plume	Leon Valley.	
*	*	*	*
TX	East 67th Street Ground Water Plume	Odessa.	
*	*	*	*
WA	Lockheed West Seattle	Seattle.	
*	*	*	*

[a] A = Based on issuance of health advisory by Agency for Toxic Substance and Disease Registry (HRS score need not be ≥ 28.50).
C = Sites on Construction Completion list.
S = State top priority (HRS score need not be ≥ 28.50)
P = Sites with partial deletion(s).

* * * * *

[FR Doc. E7–3908 Filed 3–6–07; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–35

[FMR Amendment 2007–01; FMR Case 2004–102–1; Docket 2007–001; Sequence 3]

RIN 3090–AH93

Federal Management Regulation; FMR Case 2004–102–1, Disposition of Personal Property

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration is amending the Federal Management Regulation (FMR) by revising coverage on personal property and moving it into subchapter B of the FMR. This final rule adds a new part to subchapter B of the FMR to provide an overview of the property disposal regulation and provide definitions for terms found in the FMR parts.

DATES: *Effective Date:* April 6, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Holcombe, Office of Governmentwide Policy, Personal Property Management Policy, at (202) 501–3828, or e-mail at *robert.holcombe@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FMR Amendment 2007–01, FMR Case 2004–102–1.

SUPPLEMENTARY INFORMATION:

A. Background

A proposed rule was published in the **Federal Register** on September 12, 2006 (71 FR 53646) soliciting comments on proposed changes to 41 CFR part 102–35. The due date for comments was extended in a **Federal Register** proposed rule document on October 18, 2006 (71 FR 61445). Comments were received from three respondents relating to the sale of personal property. These comments do not directly address any provisions contained in this final rule, and will be held for consideration when the regulation covering the sale of Federal personal property assets, Federal Management Regulation (FMR) part 102–38, is released for comment. FMR part 102–38 is currently being reviewed within GSA for revisions.

This final rule adds a new part, 102–35, to subchapter B of the FMR to provide an overview of the property disposal regulation and to provide

definitions for terms found in FMR parts 102–36 through 102–42 (41 CFR 102–36 through 102–42). This part serves as a summary and overview of the policies relating to the disposal of Federal personal property and provides overall guidance for all methods of property disposal.

This part emphasizes the use of excess property from other agencies as the first source of supply, and establishes the preference to transfer excess property to Federal agencies for their own use before transferring that property to agencies for use by non-Federal entities.

B. Executive Order 12866

This regulation is excepted from the definition of ''regulation'' or ''rule'' under Section 3(d)(3) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993 and, therefore, was not subject to review under Section 6(b) of that Executive Order.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment as per the exemption specified in 5 U.S.C. 553(a)(2); therefore, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–35

Government employees, Personal property.

Dated: February 7, 2007.

Lurita Doan,

Administrator of General Services.

■ For the reasons set forth in the preamble, GSA amends 41 CFR chapter 102 as follows:

Chapter 102—Federal Management Regulation

■ 1. Part 102–35 is added to subchapter B of chapter 102 to read as follows:

PART 102–35—DISPOSITION OF PERSONAL PROPERTY

Sec.
102–35.5 What is the scope of the General Services Administration's regulations on the disposal of personal property?
102–35.10 How are these regulations for the disposal of personal property organized?
102–35.15 What are the goals of GSA's personal property regulations?
102–35.20 What definitions apply to GSA's personal property regulations?
102–35.25 What management reports must we provide?
102–35.30 What actions must I take or am I authorized to take regardless of the property disposition method?

Authority: 40 U.S.C. 121(c).

§ 102–35.5 What is the scope of the General Services Administration's regulations on the disposal of personal property?

The General Services Administration's personal property disposal regulations are contained in this part and in parts 102–36 through 102–42 of this subchapter B as well as in parts 101–42 and 101–45 of the Federal Property Management Regulations (FPMR)(41 CFR parts 101–42 and 101–45). With two exceptions, these regulations cover the disposal of personal property under the custody and control of executive agencies located in the United States, the U.S. Virgin Islands, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau. The exceptions to this coverage are part 102–39 of this subchapter B, which applies to the replacement of all property owned by executive agencies worldwide using the exchange/sale authority, and §§ 102–36.380 through 102–36.400, which apply to the disposal of excess property located in countries and areas not listed in this subpart, i.e., foreign excess personal property. The legislative and judicial branches are encouraged to follow these provisions for property in their custody and control.

§ 102–35.10 How are these regulations for the disposal of personal property organized?

The General Services Administration (GSA) has divided its regulations for the disposal of personal property into the following program areas:

(a) Disposition of excess personal property (part 102–36 of this subchapter B).

(b) Donation of surplus personal property (part 102–37 of this subchapter B).

(c) Sale of surplus personal property (part 102–38 of this subchapter B).

(d) Replacement of personal property pursuant to the exchange/sale authority (part 102–39 of this subchapter B).

(e) Disposition of seized and forfeited, voluntarily abandoned, and unclaimed personal property (part 102–41 of this subchapter B).

(f) Utilization, donation, and disposal of foreign gifts and decorations (part 102–42 of this subchapter B).

(g) Utilization and disposal of hazardous materials and certain categories of property (part 101–42 of the Federal Property Management Regulations (FPMR), 41 CFR part 101–42).

§ 102–35.15 What are the goals of GSA's personal property regulations?

The goals of GSA's personal property regulations are to:

(a) Improve the identification and reporting of excess personal property;

(b) Maximize the use of excess property as the first source of supply to minimize expenditures for the purchase of new property, when practicable;

Note to § 102–35.15(b): If there are competing requests among Federal agencies for excess property, preference will be given to agencies where the transfer will avoid a new Federal procurement. A transfer to an agency where the agency will provide the property to a non-Federal entity for the non-Federal entity's use will be secondary to Federal use.

(c) Achieve maximum public benefit from the use of Government property through the donation of surplus personal property to State and local public agencies and other eligible non-Federal recipients;

(d) Obtain the optimum monetary return to the Government for surplus personal property sold and personal property sold under the exchange/sale authority; and

(e) Reduce management and inventory costs by appropriate use of the abandonment/destruction authority to dispose of unneeded personal property that has no commercial value or for which the estimated cost of continued care and handling would exceed the estimated sales proceeds (see FMR §§ 102–36.305 through 102–36.330).

§ 102–35.20 What definitions apply to GSA's personal property regulations?

The following are definitions of, or cross-references to, some key terms that apply to GSA's personal property regulations in the FMR (CFR Parts 102–36 through 102–42). Other personal property terms are defined in the sections or parts to which they primarily apply.

Accountable Personal Property includes nonexpendable personal

property whose expected useful life is two years or longer and whose acquisition value, as determined by the agency, warrants tracking in the agency's property records, including capitalized and sensitive personal property.

Accountability means the ability to account for personal property by providing a complete audit trail for property transactions from receipt to final disposition.

Acquisition cost means the original purchase price of an item.

Capitalized Personal Property includes property that is entered on the agency's general ledger records as a major investment or asset. An agency must determine its capitalization thresholds as discussed in Financial Accounting Standard Advisory Board (FASAB) Statement of Federal Financial Accounting Standards No. 6 Accounting for Property, Plant and Equipment, Chapter 1, paragraph 13.

Control means the ongoing function of maintaining physical oversight and surveillance of personal property throughout its complete life cycle using various property management tools and techniques taking into account the environment in which the property is located and its vulnerability to theft, waste, fraud, or abuse.

Excess personal property (see § 102–36.40 of this subchapter B).

Exchange/sale (see § 102–39.20 of this subchapter B).

Executive agency (see § 102–36.40 of this subchapter B).

Federal agency (see § 102–36.40 of this subchapter B).

Foreign gifts and decorations (for the definition of relevant terms, see § 102–42.10 of this subchapter B).

Forfeited property (see § 102–41.20 of this subchapter B).

Inventory includes a formal listing of all accountable property items assigned to an agency, along with a formal process to verify the condition, location, and quantity of such items. This term may also be used as a verb to indicate the actions leading to the development of a listing. In this sense, an inventory must be conducted using an actual physical count, electronic means, and/or statistical methods.

National property management officer means an official, designated in accordance with § 102–36.45(b) of this subchapter B, who is responsible for ensuring effective acquisition, use, and disposal of excess property within your agency.

Personal property (see § 102–36.40 of this subchapter B).

Property management means the system of acquiring, maintaining, using and disposing of the personal property of an organization or entity.

Seized property means personal property that has been confiscated by a Federal agency, and whose care and handling will be the responsibility of that agency until final ownership is determined by the judicial process.

Sensitive Personal Property includes all items, regardless of value, that require special control and accountability due to unusual rates of loss, theft or misuse, or due to national security or export control considerations. Such property includes weapons, ammunition, explosives, information technology equipment with memory capability, cameras, and communications equipment. These classifications do not preclude agencies from specifying additional personal property classifications to effectively manage their programs.

Surplus personal property (see § 102–37.25 of this subchapter B).

Utilization means the identification, reporting, and transfer of excess personal property among Federal agencies.

§ 102–35.25 What management reports must we provide?

(a) There are three reports that must be provided. The report summarizing the property provided to non-Federal recipients and the report summarizing exchange/sale transactions (see §§ 102–36.295 and 102–39.75 respectively of this subchapter B) must be provided every year (negative reports are required). In addition, if you conduct negotiated sales of surplus personal property valued over $5,000 in any year, you must report this transaction in accordance with § 102–38.115 (negative reports are not required for this report).

(b) The General Services Administration (GSA) may request other reports as authorized by 40 U.S.C. 506(a)(1)(A).

§ 102–35.30 What actions must I take or am I authorized to take regardless of the property disposition method?

Regardless of the disposition method used:

(a) You must maintain property in a safe, secure, and cost-effective manner until final disposition.

(b) You have authority to use the abandonment/ destruction provisions at any stage of the disposal process (see §§ 102–36.305 through 102–36.330 and § 102–38.70 of this subchapter B).

(c) You must implement policies and procedures to remove sensitive or classified information from property prior to disposal. Agency-affixed markings should be removed, if at all possible, prior to personal property permanently leaving your agency's control.

(d) Government-owned personal property may only be used as authorized by your agency. Title to Government-owned personal property cannot be transferred to a non-Federal entity unless through official procedures specifically authorized by law.

[FR Doc. E7–3958 Filed 3–6–07; 8:45 am]

BILLING CODE 6820–14–S

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 211

[Docket No. 2006–24141, Notice No. 2]

RIN 2130–AB77

Rules of Practice: Direct Final Rulemaking Procedures

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule.

SUMMARY: In October 2006, FRA proposed to amend its rules of practice by adopting direct final rulemaking procedures intended to expedite the publication of routine or noncontroversial changes. FRA received no comments to this proposal, and in this rule adopts its proposed direct final rulemaking procedures without change.

DATES: This rule is effective on April 6, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia V. Sun, Trial Attorney, Mail Stop 10, Federal Railroad Administration, 1120 Vermont Avenue, NW., Washington, DC 20005 (*telephone:* (202) 493–6038).

SUPPLEMENTARY INFORMATION:

Background

On October 11, 2006, FRA proposed to amend its Rules of Practice (49 CFR Part 211) to adopt direct final rulemaking procedures which would expedite its rulemaking process for noncontroversial regulatory changes to which no adverse comment was anticipated (71 FR 59698). The proposed direct final rulemaking procedures, closely modeled upon those of the Office of the Secretary of Transportation (OST) (January 30, 2004, 69 FR 4455), would allow FRA to reduce the time necessary to develop, review, clear and publish routine rules to which no adverse public comment was anticipated by eliminating the requirement to publish separate

proposed and final rules. FRA received no comments to the proposal, and in this rule adopts its proposed direct final rulemaking procedures without change.

Other agencies, such as the Nuclear Regulatory Commission, the Food and Drug Administration, the Environmental Protection Agency, the Department of Agriculture, and the Department of Energy (DOE) have adopted and successfully used direct final rulemaking procedures for routine changes. The DOE, for example, amended its test procedures for measuring the energy consumption of clothes washers through a direct final rule (October 31, 2003, 68 FR 62197).

The Direct Final Rulemaking Process

As mentioned above, proceeding through a direct final rulemaking enables FRA to eliminate an unnecessary second round of internal review and clearance, as well as public review, for noncontroversial proposed rules. As proposed, FRA may use direct final rulemaking for noncontroversial rules, including those that:

(1) Affect internal procedures of the Federal Railroad Administration, such as filing requirements and rules governing inspection and copying of documents,

(2) Are nonsubstantive clarifications or corrections to existing rules;

(3) Update existing forms; and

(4) Make minor changes in substantive rules regarding statistics and reporting requirements, such as a lessening of the reporting frequency (for example, from monthly to quarterly) or elimination of a type of data that FRA no longer needs to collect.

FRA may also use direct final rulemaking process for a particular rule if similar rules had been previously proposed and published without adverse comment.

If FRA determines that a rule is appropriate for direct final rulemaking, FRA will publish the rule in the final rule section of the **Federal Register**. In a direct final rule document, the ''action'' will be captioned ''direct final rule'' and will include language in the summary and preamble informing interested parties of their right to comment and their right to request an oral hearing, if such opportunity is required. The direct final rule notice will advise the public that FRA anticipates no adverse comment to the rule and that the rule will become effective a specified number of days after the date of publication unless FRA receives written adverse comment or a request for an oral hearing (if such opportunity is required by statute) within the specified comment period. An ''adverse'' comment is one that is critical of the rule, suggests that the rule should not be adopted, or suggests that a change should be made in the rule. FRA will not consider a comment submitted in support of the rule, or a request for clarification of the rule, to be adverse. FRA will provide sufficient comment time to allow interested parties to determine whether they wish or need to submit adverse comments, and will answer any requests for clarification while the comment period is running. If FRA receives no written adverse comment or request for oral hearing within the comment period, FRA will publish another notice in the **Federal Register** indicating that no adverse comment has been received and confirming that the rule will become effective on the specified date.

If, however, FRA receives the timely submission of an adverse comment or notice of intent to submit adverse comment, FRA will stop the direct final rulemaking process and withdraw the direct final rule by publishing a notice in the final rule section of the **Federal Register**. If FRA decides that the rulemaking remains necessary, FRA will recommence the rulemaking under its standard rulemaking procedures by publishing a notice proposing the rule in the proposed rules section of the **Federal Register**. The proposed rule will provide for a new public comment period.

The additional time and effort required to withdraw the direct final rule and issue a Notice of Proposed Rulemaking will be an incentive for FRA to act conservatively in evaluating whether to use the direct final rulemaking process for a particular rule. FRA will not use direct final rulemaking for complex or potentially controversial matters.

Regulatory Analyses and Notices

FRA has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are no costs associated with the proposed rule. There will be some cost savings in **Federal Register** publication costs and efficiencies for the public and FRA personnel in eliminating duplicative reviews. FRA certifies that this rule will not have a significant impact on a substantial number of small entities. FRA does not believe there are sufficient federalism implications to warrant the preparation of a federalism assessment. Because this rule does not have tribal implications and does not impose direct compliance costs, the funding and consultation requirements of Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments'') do not apply.

Paperwork Reduction Act

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

Unfunded Mandates Reform Act of 1995

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

List of Subjects in 49 CFR Part 211

Administrative practice and procedure, Rules of practice.

■ In consideration of the foregoing, FRA amends 49 CFR part 211 as follows:

PART 211—[AMENDED]

■ 1. The authority citation for part 211 is amended to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20114, 20306, 20502–20504, and 49 CFR 1.49.

■ 2. In part 211, subpart B—Rulemaking Procedures, is amended by adding a new section 211.33, Direct final rulemaking procedures, as follows:

§ 211.33 Direct final rulemaking procedures.

(a) Rules that the Administrator judges to be noncontroversial and unlikely to result in adverse public comment may be published in the final rule section of the **Federal Register** as direct final rules. These include noncontroversial rules that:

(1) Affect internal procedures of the Federal Railroad Administration, such as filing requirements and rules governing inspection and copying of documents,

(2) Are nonsubstantive clarifications or corrections to existing rules,

(3) Update existing forms, and

(4) Make minor changes in the substantive rules regarding statistics and reporting requirements.

(b) The **Federal Register** document will state that any adverse comment or notice of intent to submit adverse comment must be received in writing by the Federal Railroad Administration within the specified time after the date of publication and that, if no written adverse comment or request for oral hearing (if such opportunity is required by statute) is received, the rule will become effective a specified number of days after the date of publication.

(c) If no adverse comment or request for oral hearing is received by the Federal Railroad Administration within

the specified time of publication in the **Federal Register**, the Federal Railroad Administration will publish a notice in the **Federal Register** indicating that no adverse comment was received and confirming that the rule will become effective on the date that was indicated in the direct final rule.

(d) If the Federal Railroad Administration receives any written adverse comment or request for oral hearing within the specified time of publication in the **Federal Register**, a notice withdrawing the direct final rule will be published in the final rule section of the **Federal Register** and, if the Federal Railroad Administration decides a rulemaking is warranted, a notice of proposed rulemaking will be published in the proposed rule section of the **Federal Register**.

(e) An ''adverse'' comment for the purpose of this subpart means any comment that the Federal Railroad Administration determines is critical of the rule, suggests that the rule should not be adopted, or suggests a change that should be made in the rule.

Issued in Washington, DC, on February 27, 2007.

Joseph H. Boardman,

Administrator.

[FR Doc. E7–3923 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 060425111–6315–03;I.D. 041906B]

RIN 0648–AN09

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vessel Monitoring Systems; Amendment 18A

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

ACTION: Final rule; delay of effective date.

SUMMARY: NMFS further delays the December 7, 2006, effective date of two sections of a final rule, published August 9, 2006, until May 6, 2007. The amendments to those sections will require owners/operators of vessels with Gulf reef fish commercial vessel permits to install a NMFS-approved vessel monitoring system (VMS) and will make installation of VMS a prerequisite for permit renewal or transfer. This delay of the effective date will provide additional time for resolution of an unanticipated technological problem with one of the approved VMS units purchased by significant portion of the fleet and will allow vendors additional time to meet the demand for purchase and installation of VMS units that are currently backlogged.

DATES: The effective date of §§ 622.9(a)(2) and 622.4(m)(1) published August 9, 2006 (71 FR 45428), is delayed until May 6, 2007.

ADDRESSES: Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements referred to in this final rule may be submitted in writing to Jason Rueter, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701; telephone 727–824–5305; fax 727–824–5308; email *Jason.Rueter@noaa.gov* and to David Rostker, Office of Management and Budget (OMB), by e-mail at *David_Rostker@omb.eop.gov*, or by fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Peter Hood, telephone 727–824–5305, fax 727–824–5308, e-mail *Peter.Hood@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The final rule to implement Amendment 18A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Amendment 18A) (71 FR 45428, August 9, 2006) included a provision, § 622.9(a)(2), requiring owners or operators of a vessel with a commercial vessel permit for Gulf reef fish, including charter/headboats with commercial reef fish vessel permits even when under charter, to be equipped with an operating VMS approved by NMFS for the Gulf of Mexico reef fish fishery. Additionally, § 622.4(m)(1) required proof of purchase, installation, activation, and operational status of an approved VMS for renewal or transfer of a commercial vessel permit for Gulf reef fish.

Subsequent to the publication of the final rule, NMFS published a notice listing VMS approved by NMFS for use in the Gulf reef fish fishery (71 FR 54472, September 15, 2006). On October 31, 2006, NMFS published a notice (71 FR 63753), announcing availability of grant funds to reimburse owners and operators of vessels subject to the VMS requirements of Amendment 18A for the equivalent cost of purchasing the least expensive VMS approved by NMFS for the Gulf reef fish fishery. On December 6, 2006, because of concerns that fishers would not have sufficient time to comply with the VMS requirements, NMFS published a notice (71 FR 70680) to delay the effective date of § 622.9(a)(2), the VMS requirement, and § 622.4(m)(1), the provision requiring VMS as a condition of renewing or transferring a commercial vessel permit for Gulf reef fish.

Further Delay of Effective Date

NMFS is further delaying, until May 6, 2007, the effective date of § 622.9(a)(2), the VMS requirement, and § 622.4(m)(1), the provision requiring VMS as a condition of renewing or transferring a commercial vessel permit for Gulf reef fish. NMFS recently learned, and has confirmed with the VMS vendor, that there is a technological problem with one of the approved VMS units that has been purchased by a significant portion of the commercial reef fish fleet. This VMS unit, as currently configured, has an excessive power draw. When the vessel is not under power or does not have access to an external power source for longer than about 48 hours, the power draw from this VMS unit can drain all battery power, resulting in failure of electronic equipment including such safety equipment as bilge pumps. The vendor is working with vessel owners to resolve this issue through a reconfiguration of the VMS installation. NMFS has determined that a 60-day delay in implementation of the VMS requirements should be sufficient to resolve this issue. NMFS has also confirmed that providers of approved VMS units have a substantial backlog of orders for approved VMS units. It would not be possible for all affected fishers to acquire, install, and activate the required VMS units prior to the current March 7, 2007 deadline. Therefore, for these reasons, NMFS is delaying the effective date of §§ 622.9(a)(2) and 622.4(m)(1) until May 6, 2007.

Classification

The Administrator, Southeast Region, NMFS, (RA) has determined that delaying the effective date of VMS requirements for vessels with commercial vessel permits for Gulf reef fish is necessary for management of the fishery and to minimize adverse social and economic impacts. The RA has also determined that this rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to 5 U.S.C. 533(b)(B), there is good cause to waive prior notice and opportunity for public comment on this action as notice and comment would be impracticable and contrary to the public interest. This final rule merely delays the effective date of the VMS requirements and VMS-related permit renewal requirements set forth in the regulations implementing Amendment 18A. Delaying the effective date of these provisions will provide VMS vendors time to resolve a technological problem with one of the approved VMS units that could potentially affect vessel safety. The delay would also provide vendors additional time to meet the demand for delivery and installation of approved units, which NMFS has confirmed is currently backlogged. For these reasons, there is good cause to waive the 30-day delayed effectiveness provision of the APA for these measures pursuant to 5 U.S.C. 553(d)(3). Failure to waive prior notice and opportunity for public comment or failure to waive the 30-day delayed effectiveness provision of the APA for these measures would result in these measures becoming effective on March 7, 2007, rather than providing the additional time necessary to resolve these unanticipated issues.

This final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

This rule refers to collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by OMB under Control Number 0648–0544. Public reporting for these requirements is estimated to average 4 hours for VMS installation, 15 minutes for completion and submission of certification of VMS installation and activation, 24 seconds for transmission of position reports, 2 hours for annual maintenance of VMS, 10 minutes for submission of requests for power-down exemptions, and 15 minutes for annual renewal of all permits. These estimates include the 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 these burden estimates or any other aspect of this data collection, including suggestions for reducing burden hours, to NMFS (see **ADDRESSES**) and by email to *David_Rostker@omb.eop.gov*, or fax to 202–395–7285.

Notwithstanding any other provision of law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

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

Dated: February 28, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 07–1013 Filed 3–1–07; 3:27 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02; I.D. 022207A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS reduces the trip limit in the commercial hook-and-line fishery for king mackerel in the southern Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the Gulf king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, March 3, 2007, through June 30, 2007, unless changed by further notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, telephone 727–824–5305, fax 727–824–5308, e-mail *steve.branstetter@noaa.gov*.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On April 27, 2000, NMFS implemented the final rule (65 FR 16336, March 28, 2000) that divided the Florida west coast subzone of the eastern zone into northern and southern subzones, and established their separate quotas. The quota for the hook-and-line fishery in the southern Florida west coast subzone is 520,312 lb (236,010 kg)(50 CFR 622.42(c)(1)(i)(A)(*2*)(*i*)).

In accordance with 50 CFR 622.44(a)(2)(ii)(B)(*2*), from the date that 75 percent of the southern Florida west coast subzone's quota has been harvested until a closure of the subzone's fishery has been effected or the fishing year ends, king mackerel in or from the EEZ may be possessed on board or landed from a permitted vessel in amounts not exceeding 500 lb (227 kg) per day.

NMFS has determined that 75 percent of the quota for Gulf group king mackerel from the southern Florida west coast subzone has been reached. Accordingly, a 500–lb (227–kg) trip limit applies to vessels in the commercial fishery for king mackerel in or from the EEZ in the southern Florida west coast subzone effective 12:01 a.m., local time, March 3, 2007. The 500–lb (227–kg) trip limit will remain in effect until the fishery closes or until the end of the current fishing year (June 30, 2007), whichever occurs first.

The Florida west coast subzone is that part of the eastern zone located south and west of 25°20.4′ N. lat. (a line directly east from the Miami-Dade County, Florida, boundary) along the west coast of Florida to 87°31.067prime; W. long. (a line directly south from the Alabama/Florida boundary). The Florida west coast subzone is divided into northern and southern subzones. From November 1 through March 31, the southern subzone is designated as the area extending south and west from 25°20.4′ N. lat. to 26°19.8′ N. lat. (a line directly west from the Lee/Collier County, Florida, boundary), i.e., the area off Collier and Monroe Counties. Based on the current total allowable catch and the allocation ratios, the quota for the southern Florida west coast subzone is 1,040,625 lb (472,020 kg). The subzone's quota is further divided into two equal 520,312–lb (236,010–kg) quotas for vessels fishing with either run-around gillnets or hook-and-line gear.

Classification

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

(AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action in order to protect the fishery since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment will require time and would potentially result in a harvest well in excess of the established quota. For the aforementioned reasons, the AA also finds good cause to waive the 30–day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: February 28, 2007.

James P. Burgess,

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

[FR Doc. 07–1015 Filed 3–1–07; 3:27 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 061227341–7031–02; I.D. 120406A]

RIN 0648–AU99

Fisheries in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii Shallow-Set Longline Fishery; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations that were published in the **Federal Register** on February 26, 2007, and are effective March 28, 2007. The published rule amended CFR text that is effective only through March 19, 2007. This correction changes the amendatory instructions in the final rule to accurately reflect effective CFR parts as of March 28, 2007. These changes ensure that the 7–day delay in effectiveness is permanently removed when closing the Hawaii-based shallow-set longline fishery as a result of reaching interaction limits for sea turtles.

DATES: Effective March 28, 2007.

FOR FURTHER INFORMATION CONTACT: Bob Harman, NMFS Pacific Islands Region, 808–944–2271.

SUPPLEMENTARY INFORMATION: The final rule published on February 26, 2007 (72 FR 8289) and effective March 28, 2007, removes the 7-day delay in effectiveness when closing the Hawaii-based shallow-set longline fishery as a result of reaching interaction limits for sea turtles. It allows for an immediate closure of the fishery to enhance protection of sea turtles.

The amendatory instructions that are the subject of this correction refer to § 665.22 and § 665.33 in the CFR. The amendatory instructions in the published final rule (72 FR 8289) were written to amend CFR text that is effective only through March 19, 2007. This correction makes two changes to the amendatory instructions to accurately reflect effective CFR parts as of March 28, 2007. In the amendatory instruction for § 665.22, ''revise'' is replaced with ''add''. This change is necessary to insert revisions of paragraphs (ss) and (tt) that were effective through March 19, 2007. In amendatory instruction for § 665.33, the phrase, ''remove paragraphs (b)(2)(iii) and (iv)'', is removed, since the subject paragraphs will no longer be effective on March 28, 2007.

Correction

■ Accordingly, the final rule amendatory instructions published on February 26, 2007 in 72 FR 8289 are corrected as follows:

§ 665.22 [Amended]

■ On page 8291, column 2, the second amendatory instruction is correctly revised as follows:

■ 2. In § 665.22, add paragraphs (ss) and (tt) to read as follows:

§ 665.33 [Amended]

■ On page 8291, column 2, the third amendatory instruction is revised to read as follows:

■ 3. In § 665.33, revise paragraphs (b)(2)(i) and (ii) to read as follows:

Dated: February 28, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E7–3902 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 44
Wednesday, March 7, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. AMS–FV–06–0225; FV07–932–1 PR]

Olives Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes an increase in the assessment rate established for the California Olive Committee (committee) for the 2007 and subsequent fiscal years from $11.03 to $47.84 per assessable ton of olives handled. The committee locally administers the marketing order which regulates the handling of olives grown in California. Assessments upon olive handlers are used by the committee to fund reasonable and necessary expenses of the program. The fiscal year began January 1 and ends December 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by March 22, 2007.

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

FOR FURTHER INFORMATION CONTACT: Jennifer R. Garcia, 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: *Jennifer.Garcia@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 Agreement No. 148 and Order No. 932, both as amended (7 CFR part 932), regulating the handling of olives 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 Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California olive handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable olives beginning on January 1, 2007, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule would increase the assessment rate established for the committee for the 2007 and subsequent fiscal years from $11.03 to $47.84 per ton of assessable olives from the applicable crop years.

The California olive marketing order provides authority for the committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The fiscal year, which is the 12-month period between January 1 and December 31, begins after the corresponding crop year, which is the 12-month period beginning August 1 and ending July 31 of the subsequent year. Fiscal year budget and assessment recommendations are made after the corresponding crop year olive tonnage is reported. The members of the committee are producers and handlers of California olives. They are familiar with the committee's needs and with costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2006 and subsequent fiscal years, the committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal year to fiscal year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the committee or other information available to USDA.

The committee met on December 12, 2006, and unanimously recommended 2007 fiscal year expenditures of $950,396 and an assessment rate of $47.84 per ton of assessable olives. In comparison, the budgeted expenditures for fiscal year 2006 were $1,301,121. The assessment rate of $47.84 is $36.81 higher than the rate currently in effect. The committee recommended the higher assessment rate because the 2006–07 assessable olive receipts as reported by the California Agricultural Statistics Service (CASS) are only 16,270 tons, which compares to 114,761 tons in

2005–06. Unusual weather conditions, including a wet winter and very hot summer, contributed to a substantially smaller crop. The committee also plans to use available reserve funds to help meet its 2007 expenses.

The major expenditures recommended by the committee for the 2007 fiscal year include $365,775 for research, $332,450 for marketing activities, and $252,171 for administration. Budgeted expenditures for these items in 2006 were $210,000, $800,700, and $290,421, respectively. The committee recommended a larger 2007 research budget so it can continue its ongoing olive fly research and research to develop a mechanical olive harvesting method. The 2007 marketing program would be scaled back. Recommended decreases in the administrative budget are due mainly to tighter budgeting in several areas.

The assessment rate recommended by the committee was derived by considering anticipated fiscal year expenses, actual olive tonnage received by handlers during the 2006–07 crop year, and additional pertinent factors. Actual assessable tonnage for the 2007 fiscal year is expected to be lower than the 2006–07 crop receipts of 16,270 tons reported by the CASS because some olives may be diverted by handlers to uses that are exempt from marketing order requirements. Income derived from handler assessments, along with funds from the committee's authorized reserve and interest income, would be adequate to cover budgeted expenses. Funds in the reserve would be kept within the maximum permitted by the order of approximately one fiscal year's expenses (§ 932.40).

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

Although this assessment rate is effective for an indefinite period, the committee would continue to meet prior to or during each fiscal year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of committee meetings are available from the committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The committee's 2007 budget and those for subsequent fiscal years would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 850 producers of olives in the production area and 2 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $6,500,000.

Based upon information from the committee, the majority of olive producers may be classified as small entities. Both of the handlers may be classified as large entities.

This rule would increase the assessment rate established for the committee and collected from handlers for the 2007 and subsequent fiscal years from $11.03 to $47.84 per ton of assessable olives. The committee unanimously recommended 2007 expenditures of $950,396 and an assessment rate of $47.84 per ton. The proposed assessment rate of $47.84 is $36.81 higher than the 2006 rate. The higher assessment rate is necessary because assessable olive receipts for the 2006–07 crop year were reported by the CASS to be 16,270 tons, compared to 114,761 tons for the 2005–06 crop year. Actual assessable tonnage for the 2007 fiscal year is expected to be lower because some of the receipts may be diverted by handlers to exempt outlets on which assessments are not paid.

Income generated from the $47.84 per ton assessment rate should be adequate to meet this year's expenses when combined with funds from the authorized reserve and interest income. Funds in the reserve would be kept within the maximum permitted by the order of about one fiscal year's expenses (§ 932.40).

Expenditures recommended by the committee for the 2007 fiscal year include $365,775 for research, $332,450 for marketing activities, and $252,171 for administration. Budgeted expenses for these items in 2006 were $210,000, $800,700, and $290,421 respectively. The committee recommended a larger 2007 research budget so it can continue its olive fly research projects and research to develop a mechanical olive harvesting method. The 2007 marketing program would be scaled back. Recommended decreases in the administrative budget are due mainly to tighter budgeting in several areas.

Prior to arriving at this budget, the committee considered information from various sources, such as the committee's Executive, Market Development, and Research Subcommittees. Alternate spending levels were discussed by these groups, based upon the relative value of various research and marketing projects to the olive industry and the reduced olive production. The assessment rate of $47.84 per ton of assessable olives was derived by considering anticipated expenses, the volume of assessable olives and additional pertinent factors.

A review of historical information indicates that the grower price for the 2006–07 crop year was approximately $960.57 per ton for canning fruit and $344.56 per ton for limited-use sizes, leaving the balance as unusable cull fruit. Approximately 87 percent of a ton of olives are canning fruit sizes and 9 percent are limited use sizes, leaving the balance as unusable cull fruit. Grower revenue on 16,270 total tons of canning and limited-use sizes would be $14,704,092 given the current grower prices for those sizes. Therefore, with an assessment rate increased from $11.03 to $47.84, the estimated assessment revenue is expected to be approximately 5 percent of grower revenue.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the committee's meeting was widely publicized throughout the California olive industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the December 12, 2006, meeting was a public meeting and all entities, both large and small, were able

to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California olive 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.

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.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2007 fiscal year began on January 1, 2007, and the marketing order requires that the rate of assessment for each fiscal year apply to all assessable olives handled during such fiscal year; (2) the committee needs sufficient funds to pay its expenses, which are incurred on a continuous basis; and (3) handlers are aware of this action, which was discussed by the committee and unanimously recommended at a public meeting, and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2007, an assessment rate of $47.84 per ton is established for California olives.

Dated: March 1, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–3936 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

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

RIN 2120–AA64

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

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

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

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

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

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

DATES: We must receive comments on this proposed AD by April 6, 2007.

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

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

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

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

proposed AD because of those comments.

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

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on January 8, 2007 (72 FR 678). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM was issued, the FAA has received three verbal comments requesting additional time to comment on the proposed rule. Since the NPRM comment period has already closed, the FAA is granting this extension by reopening the comment period instead of extending the comment period.

Relevant Service Information

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

Comments

We gave the public the opportunity to participate in developing this AD. We received no written comments on the NPRM or on the determination of the cost to the public. We did receive three verbal comments requesting additional time to comment on the proposed rule. Since others may want additional time to comment who did not contact the FAA, we are reopening the comment period for an additional 30 days.

FAA's Determination and Requirements of the Proposed AD

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

We have since determined that the scope of the earlier NPRM made it difficult for the public to comment within the original comment period. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on the proposed AD.

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

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

Comments Due Date

(a) We must receive comments by April 6, 2007.

Affected ADs

(b) None.

Applicability

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

Subject

(d) Air Transport Association of America (ATA) Code 51: Structures.

Reason

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

It has been found cases of corrosion at regions of Wings-to-Fuselage attachments, Vertical Stabilizer to Fuselage attachments, Rib 1 Half-wing and Passenger Seat Tracks.

Such corrosion may lead to subsequent fatigue cracking of the parts affected, reducing the aircraft structural integrity, which may in turn lead to structural failure and/or loss of some control surface.

Actions and Compliance

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

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

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

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

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

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

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

FAA AD Differences

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

Other FAA AD Provisions

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

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

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

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

Related Information

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

Issued in Kansas City, Missouri, on March 1, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–3987 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 51

[Public Notice 5712]

RIN 1400–AC28

Passports

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The proposed rule would reorganize, restructure, and update the passport regulations contained in 22 CFR part 51 in order to make them easier for the users to access the information, to better reflect current practices and changes in statutory authority, and to remove outdated provisions.

DATE: The Department will accept comments on this proposed regulation until May 7, 2007.

ADDRESSES: You may submit comments, identified by the following methods (no duplicates, please):

- *Federal eRulemaking Portal: http://www.regulations.gov/index.cfm.* Follow the instructions for submitting comments.
- *Electronically:* You may submit electronic comments to: *Comments.22.CFR.Part_51.update@state.gov.* Attachments must be in Microsoft Word.
- *Mail (paper, disk, or CD–ROM submissions):* Comments by mail should be addressed to: Director, Office of Passport Policy, Planning and Advisory Services, Bureau of Consular Affairs, 2100 Pennsylvania Ave., NW., 3rd Floor, Washington, DC 20037, fax (202) 663–2654.

Instructions: All submissions must include the Regulatory Identification Number (RIN).

FOR FURTHER INFORMATION CONTACT: Consuelo Pachon, Office of Passport Policy, (202) 663–2662. Hearing or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department's Bureau of Consular Affairs is proposing to update and amend its passport regulations in 22 CFR Part 51. Most of the current passport regulations in Part 51 of 22 CFR were issued in 1966, although significant modifications have been made as needed. For example, in recent years the passport regulations have been amended to improve our ability to combat international parental child abduction by requiring that both parents consent to passport issuance to minors under age 14 (with specified exceptions) and to enhance the security of the passport by introducing the electronic passport and eliminating passport amendments. Still, many of the current provisions in Part 51 have not been revised in many years, and the Department believes it useful for them to be modernized and restructured in their entirety.

Accordingly, this proposed rule reorganizes and updates existing passport regulations in order to make them easier for users to access the information, to better reflect current practice and changes in statutory authority, and to remove outdated provisions. In general, the proposed revisions do not mark a departure from current policy. Rather the Department's intent is to bring greater clarity to

current passport policy and practice and to present it in a less cumbersome way. The more notable changes are discussed below.

Passport Agents and Passport Acceptance Agents. Proposed §§ 51.1(e), 51.1(f), and 51.22 include new provisions regarding passport agents and passport acceptance agents. They are intended to codify the definition of passport agents and passport acceptance agents and to clarify their qualifications and responsibilities, including the requirement that they be U.S. citizens.

Change of Names on Passports. The revised § 51.25 (currently § 51.24) is intended to clarify what is required of an applicant whose name has changed and to reflect more accurately Department practice in this regard.

Minors. The proposed rule in new § 51.28 makes a number of changes to the current provisions in § 51.27 on *Minors.* The Department revised its passport regulations in 2001 to implement the provisions of 22 U.S.C. 213n, requiring that both parents consent to the issuance of a passport to minor children under age 14. The Department further amended the regulations in 2004 to require that children under age 14 appear personally when applying for a passport. The proposed rule in § 51.28(a) would extend the two-parent consent and personal appearance requirements to minors under the age of 16. Raising the age requirement for parental consent to passport issuance to minors under 16 is intended to address the troubling issue of runaway children as well as abduction. The change is also consistent with the age requirements in the Hague Convention on the Civil Aspects of International Child Abduction and current passport regulations permitting issuance of a ten-year passport to minors age 16 and above.

A proposed new § 51.28(a)(5)(ii) would amend the ''special family circumstances'' exceptions to the two-parent consent requirement to include situations in which return of a minor to the jurisdiction of his or her home state or habitual residence is necessary to permit a court of competent jurisdiction to determine custody matters. This change is intended to address the issue of children habitually resident in the United States who are, in effect, wrongfully stranded abroad when an abducting parent or his/her family holds current passports and/or refuses permission for issuance of replacements. The revision would also amend ''special family circumstances'' to include compelling humanitarian circumstances involving the health, safety or welfare of the minor and ease slightly the standard for ''special family circumstances,'' from the current very stringent ''impossible'' to ''exceptionally difficult.''

To further deal with the issue of runaway minors, proposed § 51.28(b) seeks to reaffirm in clearer language the authority of a passport authorizing officer to require a parent, guardian, or person *in loco parentis* to consent to the issuance of a passport for minors age 16 and above. The proposed new § 51.28(c)(4) clarifies the question of access by parents or guardians to passport records of minors.

Denial, Revocation and Restriction of Passports: Proposed new § 51.60(b)(9) revises provisions on denial, revocation, and restriction of passports (currently § 51.70) to permit the Department to deny a passport to applicants who are the subject of outstanding state or local warrants of arrest for a felony. Similarly, new § 51.60(d) would permit the Department to deny passport issuance when the Department has been informed by an appropriate foreign government authority or international organization that the applicant is the subject of a warrant of arrest for a felony. Providing the Department with such authority will enhance U.S. border security and law enforcement cooperation. Proposed new § 51.60(c) clarifies the Department's authority to deny passport issuance to applicants who have not repaid repatriation and other emergency loans extended to them and/or members of their immediate family in a foreign country. This provision is intended to improve the Department's ability to collect unpaid debts to the U.S. Government and to address the problem of dependents of U.S. citizens who are abandoned abroad. Proposed new § 51.60(e) would permit the Department to refuse to issue a passport to a wrongfully removed or retained minor, except a passport limited for direct return to the United States, when return of the minor to the jurisdiction of his or her home state or habitual residence is necessary to permit a court of competent jurisdiction to determine custody matters. This provision would enhance the Department's efforts to protect children against international child abduction and to meet its treaty obligations in that regard.

Because the Department is proposing to reorganize and renumber Part 51 in its entirety, including sections which have already been commented upon, we are inviting comments only on those changes which are new and for which an opportunity to comment has not been previously offered. For example, an opportunity to comment has been previously provided on provisions pertaining to the two-parent consent requirement, the requirement that minors appear personally to apply for a passport, the introduction of the electronic passport, the elimination of amendments to passports, and the security surcharge. Comments on these settled issues are not being solicited, except for the extension of the parental consent and personal appearance requirements to minors under age 16 from the current age 14.

On 10–17–2006, the Department published for comment a separate rulemaking to amend Part 51 to introduce the passport card in order to implement the Western Hemisphere Travel Initiative. The Department will fully consider the comments to the passport card proposal in the context of that separate rulemaking. The final rule pertaining to the passport card will be incorporated into this overall updating of Part 51.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as a proposed rule, with 60 days for public comments and review.

Regulatory Flexibility Act/Executive Order 13272: Small Business

These proposed changes to the regulations are hereby certified as not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 301–612, and Executive Order 13272, section 3(b).

The Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule is not a major rule, as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121. This rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign based companies in domestic and export markets.

The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), Public Law 104–4, 109 Stat. 48, 2 U.S.C. 1532 generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $120 million or more by

State, local, or tribal governments, or by the private sector. This rule would not result in any such expenditure nor would it significantly or uniquely affect small governments.

Executive Orders 12372 and 13132: Federalism

This regulation would not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor would the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

Executive Order 12866: Regulatory Review

The Department of State has reviewed this proposed rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of the proposed regulation justify its costs. The Department does not consider the proposed rule to be an economically significant regulatory action within the scope of section 3(f)(1) of the Executive Order since it is not likely to have an annual effect on the economy of $100 million or more or to adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulations in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, Federal agencies must obtain approval from OMB for each collection of information they conduct, sponsor, or require through regulation. The Department of State has determined that this proposal does not contain new collection of information requirements for the purposes of the PRA.

List of Subjects in 22 CFR Part 51

Passports.

Accordingly, for the reasons set forth in the preamble, 22 CFR Part 51 is proposed to be revised to read as follows:

PART 51—PASSPORTS

Sec.
51.1 Definitions.

Subpart A—General

51.2 Passport issued to nationals only.
51.3 Types of passports.
51.4 Validity of passports.
51.5 Adjudication and issuance of passports.
51.6 Verification of passports and release of information from passport records.
51.7 Passport property of the U.S. Government.
51.8 Submission of currently valid passport.
51.9 Amendment of passports.
51.10 Replacement passports.

Subpart B—Application

51.20 General.
51.21 Execution of passport application.
51.22 Passport agents and passport acceptance agents.
51.23 Identity of applicant.
51.24 Affidavit of identifying witness.
51.25 Name of applicant to be used in passport.
51.26 Photographs.
51.27 Incompetents.
51.28 Minors.

Subpart C—Evidence of U.S. Citizenship or Nationality

51.40 Burden of proof.
51.41 Documentary evidence.
51.42 Persons born in the United States applying for a passport for the first time.
51.43 Persons born outside the United States applying for a passport for the first time.
51.44 Proof of Resumption or Retention of U.S. citizenship.
51.45 Department discretion to require evidence of U.S. citizenship or non-citizen nationality.
51.46 Return or retention of evidence of U.S. citizenship or non-citizen nationality.

Subpart D—Fees

51.50 Form of payment.
51.51 Passport fees.
51.52 Exemption for payment of passport fees.
51.53 Refunds.
51.54 Replacement passports without payment of applicable fees.
51.55 Execution fee not refundable.
51.56 Expedited passport processing.

Subpart E—Denial, Revocation and Restriction of Passports

51.60 Denial and restriction of passports.
51.61 Denial of passports to certain convicted drug traffickers.
51.62 Revocation or limitation of passports.
51.63 Passports invalid for travel into or through restricted areas; prohibition on passports valid only for travel to Israel.
51.64 Special validation of passports for travel to restricted areas.
51.65 Notification of denial or revocation of passport.
51.66 Surrender of passport.

Subpart F—Procedures for Review of Certain Denials and Revocations

51.70 Request for hearing to review certain denials and revocations.
51.71 The hearing.
51.72 Transcript and record of the hearing.
51.73 Privacy of hearing.
51.74 Final decision.

Authority: 8 U.S.C. 1504; 22 U.S.C. 211a, 212, 213, 213n (Pub. L. 106–113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536, 1501A–430); 214, 214a, 217a, 218, 2651a, 2671(d)(3), 2705, 2714, 2721; 26 U.S.C. 6039E; 31 U.S.C. 7701, 7901; 42 U.S.C. 652(k) Div. B, Title V of Pub. L. 103–317, 108 Stat. 1760; E.O. 11295, Aug. 6, 1966, FR 10603; Sec. 1 of Pub. L. 109–210, 120 Stat. 319; Sec. 2 of Pub. L. 109–167, 119 Stat. 3578; Sec. 5 of Pub. L. 109–472, 120 Stat. 3554.

§ 51.1 Definitions.

The following definitions are applicable to this part:

(a) *Department* means the United States Department of State.

(b) *Electronic passport* means a passport containing an electronically readable device, an electronic chip encoded with the bearer's personal information printed on the data page, a digitized version of the bearer's photograph, a unique chip number, and a digital signature to protect the integrity of the stored information.

(c) *Minor* means an unmarried, unemancipated person under 18 years of age.

(d) *Passport* means a travel document regardless of format issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.

(e) *Passport acceptance agent* means a U.S. citizen designated by the Department to accept passport applications and to administer oaths and affirmations in connection with such applications.

(f) *Passport agent* means a U.S. citizen employee of the Department of State, including consular officers, diplomatic officers and consular agents abroad and such U.S. citizen Department of State employees as the Assistant Secretary for Consular Affairs may designate for the purpose of administering oaths and affirmations for passport applications.

(g) *Passport application* means the application form for a United States passport, as prescribed by the Department pursuant to 22 U.S.C. 213 and all documents, photographs, and statements submitted with the form or thereafter in support of the application.

(h) *Passport authorizing officer* means a U.S. citizen employee who is authorized by the Department to approve the issuance of passports,

(i) *Secretary* means the Secretary of State.

(j) *United States* when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

(k) *U.S. citizen* means a person who acquired U.S. citizenship at birth or upon naturalization as provided by law and who has not subsequently lost such citizenship.

(l) *U.S. national* means a U.S. citizen or a U.S. non-citizen national.

(m) *U.S. non-citizen national* means a person on whom U.S. nationality, but not U.S. citizenship, has been conferred at birth under 8 U.S.C. 1408, or under other law or treaty, and who has not subsequently lost such non-citizen nationality.

Subpart A—General

§ 51.2 Passport issued to nationals only.

(a) A passport may be issued only to a U.S. national.

(b) Unless authorized by the Department, no person may bear more than one valid passport of the same type.

§ 51.3 Types of passports.

(a) *Regular passport.* A regular passport is issued to a national of the United States.

(b) *Official passport.* An official passport is issued to an official or employee of the U.S. Government traveling abroad to carry out official duties. When authorized by the Department, spouses and family members of such persons may be issued official passports. When authorized by the Department, an official passport may be issued to a U.S. government contractor traveling abroad to carry out official duties on behalf of the U.S. government.

(c) *Diplomatic passport.* A diplomatic passport is issued to a Foreign Service officer or to a person having diplomatic status or comparable status because he or she is traveling abroad to carry out diplomatic duties on behalf of the U.S. Government. When authorized by the Department, spouses and family members of such persons may be issued diplomatic passports. When authorized by the Department, a diplomatic passport may be issued to a U.S. Government contractor if the contractor meets the eligibility requirements for a diplomatic passport and the diplomatic passport is necessary to complete his or her mission.

§ 51.4 Validity of passports.

(a) *Signature of bearer.* A passport is valid only when signed by the bearer in the space designated for signature, or, if the bearer is unable to sign, signed by a person with legal authority to sign on his or her behalf.

(b) *Period of validity of a regular passport.*

(1) A regular passport issued to an applicant 16 years of age or older is valid for 10 years from date of issue unless the Department limits the validity period to a shorter period.

(2) A regular passport issued to an applicant under 16 years of age is valid for five years from date of issue unless the Department limits the validity period to a shorter period.

(3) A regular passport for which payment of the fee has been excused is valid for a period of 5 years from the date issued unless limited by the Department to a shorter period.

(c) *Period of validity of an official passport.* The period of validity of an official passport, unless limited by the Department to a shorter period, is five years from the date of issue, or so long as the bearer maintains his or her official status, whichever is shorter. An official passport which has not expired must be returned to the Department upon the termination of the bearer's official status or at such other time as the Department may determine.

(d) *Period of validity of a diplomatic passport.* The period of validity of a diplomatic passport, unless limited by the Department to a shorter period, is five years from the date of issue, or so long as the bearer maintains his or her diplomatic status, whichever is shorter. A diplomatic passport which has not expired must be returned to the Department upon the termination of the bearer's diplomatic status or at such other time as the Department may determine.

(e) *Limitation of validity.* The validity period of any passport may be limited by the Department to less than the normal validity period. The bearer of a limited passport may apply for a new passport, using the proper application and submitting the limited passport, applicable fees, photographs, and additional documentation, if required, to support the issuance of a new passport.

(f) *Invalidity.* A United States passport is invalid as soon as:

(1) The Department has sent or personally delivered a written notice to the bearer stating that the passport has been revoked; or

(2) The passport has been reported as lost or stolen to the Department, a U.S. passport agency or a diplomatic or consular post abroad and the Department has recorded the reported loss or theft; or

(3) The Department has sent a written notice to the bearer that the passport has been invalidated because the Department has not received the applicable fees; or

(4) The Department determines that the passport is no longer valid because it has been materially changed in physical appearance or composition, or contains a damaged, defective or otherwise nonfunctioning chip, or includes unauthorized changes, obliterations, entries or photographs, or has observable wear or tear that renders it unfit for use as a travel document and either takes possession of the passport or sends a written notice to the bearer.

§ 51.5 Adjudication and issuance of passports.

(a) A passport authorizing officer may adjudicate applications or authorize the issuance of passports.

(b) A passport authorizing officer will examine the passport application and all documents, photographs and statements submitted in support of the application in accordance with guidance issued by the Department.

§ 51.6 Verification of passports and release of information from passport records.

(a) *Verification.* When required by a foreign government, a consular officer abroad may verify a U.S. passport.

(b) *Release of information.* Information in passport records is subject to the provisions of the Freedom of Information Act (FOIA) and the Privacy Act. Release of this information may be requested in accordance with Part 171 or Part 172 of this title.

§ 51.7 Passport property of the U.S. Government.

(a) A passport at all times remains the property of the United States and must be returned to the U.S. Government upon demand.

(b) Law enforcement authorities who take possession of a passport for use in an investigation or prosecution must return the passport to the Department on completion of the investigation and/or prosecution.

§ 51.8 Submission of currently valid passport.

(a) When applying for a new passport, an applicant must submit for cancellation any currently valid passport of the same type.

(b) If an applicant is unable to produce such a passport for cancellation, he or she must submit a signed statement in the form prescribed by the Department setting forth the circumstances regarding the disposition of the passport.

§ 51.9 Amendment of passports.

Except for the convenience of the U.S. Government, no passport may be amended.

§ 51.10 Replacement passports.

A passport issuing office may issue a replacement passport without payment of applicable fees for the reasons specified in § 51.54.

Subpart B—Application

§ 51.20 General.

(a) An application for a passport, a replacement passport, extra visa pages, or other passport related service must be completed using the forms the Department prescribes.

(b) The passport applicant must truthfully answer all questions and must state every material matter of fact pertaining to his or her eligibility for a passport. All information and evidence submitted in connection with an application is considered part of the application. A person providing false information as part of a passport application, whether contemporaneously with the form or at any other time, is subject to prosecution under applicable Federal criminal statutes.

§ 51.21 Execution of passport application.

(a) *Application by personal appearance.* Except as provided in § 51.28, to assist in establishing identity, a minor, a person who has never been issued a passport in his or her own name, a person who has not been issued a passport for the full validity period of 10 years in his or her own name within 15 years of the date of a new application, or a person who is otherwise not eligible to apply for a passport by mail under paragraphs (b) and (c) of this section, must apply for a passport by appearing in person before a passport agent or passport acceptance agent (see § 51.22). The applicant must verify the application by oath or affirmation before the passport acceptance agent, sign the completed application, provide photographs as prescribed by the Department, provide any other information or documents requested and pay the applicable fees prescribed in the Schedule of Fees for Consular Services (see 22 CFR 22.1).

(b) *Application by mail—persons in the United States.* A person in the United States who previously has been issued a passport valid for 10 years in his or her own name may apply for a new passport by filling out, signing and mailing an application on the form prescribed by the Department if:

(1) The most recently issued previous passport was issued when the applicant was 16 years of age or older;

(2) The application is made not more than 15 years following the issue date of the previous passport; and

(3) The most recently issued previous passport is submitted with the new application.

The applicant must also provide photographs as prescribed by the Department and pay the applicable fees prescribed in the Schedule of Fees for Consular Services (22 CFR 22.1).

(c) *Application by mail—persons abroad.* A person in a foreign country where the Department has authorized a post to receive passport applications by mail who previously has been issued a passport valid for 10 years in his or her own name may apply for a new passport in that country by filling out, signing and mailing an application on the form prescribed by the Department if:

(1) The most recently issued previous passport was issued when the applicant was 16 years of age or older;

(2) The application is made not more than 15 years following the issue date of the previous passport; and

(3) The most recently issued previous passport is submitted with the new application.

The applicant must also provide photographs as prescribed by the Department and pay the applicable fees prescribed in the Schedule of Fees for Consular Services (22 CFR 22.1).

(d) Nothing in this Part shall prohibit or limit the Department from authorizing an overseas post to accept a passport application or applications by mail from persons outside the country or outside the person's country of residence in circumstances which prevent provision of these services to the person where they are located or in other unusual circumstances as determined by the Department.

§ 51.22 Passport agents and passport acceptance agents.

(a) *U.S. citizen Employees of the Department authorized to serve as passport agents.* The following employees of the Department are authorized by virtue of their positions to serve as passport agents unless the Department in an individual case withdraws authorization:

(1) A passport authorizing officer;

(2) A consular officer, or a U.S. citizen consular agent abroad;

(3) A diplomatic officer specifically authorized by the Department to accept passport applications; and

(4) Such U.S. citizen Department of State employees as the Assistant Secretary for Consular Affairs may designate for the purpose of administering oaths and affirmations for passport applications.

(b) *Persons designated by the Department to serve as passport acceptance agents.* When designated by the Department, the following persons are authorized to serve as passport acceptance agents unless the Department in an individual case withdraws authorization.

(1) An employee of the clerk of any Federal court;

(2) An employee of the clerk of any state court of record;

(3) A postal employee at a United States post office that has been selected to accept passport applications;

(4) An employee of the Department of Defense at a military installation that has been authorized to accept passport applications;

(5) An employee of a federal agency that has been selected to accept passport applications; and

(6) Any other person specifically designated by the Department.

(c) *Qualifications of persons designated by the Department to serve as passport acceptance agents.* Before the Department will designate a person described in § 51.22(b) as a passport acceptance agent, his or her employer must certify that the person:

(1) Is a U.S. citizen or a U.S. national;

(2) Is 18 years of age or older;

(3) Is a permanent employee, excluding ad hoc, contractual, and volunteer employees; and

(4) Does not have a record of either:

(i) A federal or state felony conviction; or

(ii) A misdemeanor conviction for crimes involving moral turpitude or breach of trust, including but not limited to embezzlement, identity theft, misappropriation, document fraud, drug offenses, or dishonesty in carrying out a responsibility involving public trust.

(d) *Training.* A passport acceptance agent described in § 51.22(b) must be trained to apply procedures and practices as detailed in guidance provided by the Department. Training must be successfully completed before accepting passport applications.

(e) *Responsibilities.* The responsibilities of a passport acceptance agent described in § 51.22(b) include but are not limited to the following:

(1) *Certifying the identity of each applicant.* Passport acceptance agents must certify that they have personally witnessed the applicant signing his or her application, and that the applicant has:

(i) Personally appeared;

(ii) Presented proper identification, as documented on the application;

(iii) Submitted photographs that are a true likeness; and

(iv) Taken the oath administered by the acceptance agent.

(2) *Safeguarding passport application information under the Privacy Act of 1974.* Passport acceptance agents described in § 51.22(b) must not retain copies of executed applications, nor release passport application information to anyone other than the applicant and the Department.

(3) *Avoiding conflict of interest.* Passport acceptance agents described in § 51.22(b) must not participate in any relationship that could be perceived as a conflict of interest, including but not limited to providing commercial services related to the passport process.

(f) *Documentation.* Passport acceptance facilities within the United States must maintain a current listing of all passport acceptance agents designated under § 51.22(b). This list must be updated at least annually and a copy provided to the officer specified by the Department at the appropriate passport issuing office.

(1) The current listing of all designated passport acceptance agents must include the passport acceptance agents':

(i) Names; and

(ii) Signatures.

(2) Any addition to or deletion from the current listing of designated passport acceptance agents is subject to prior approval by the Department.

§ 51.23 Identity of applicant.

(a) The applicant has the burden of establishing his or her identity.

(b) The applicant must establish his or her identity by the submission of a previous passport, other state, local or federal government officially issued identification with photograph, or other identifying evidence which may include an affidavit of an identifying witness.

(c) The Department may require such additional evidence of identity as it deems necessary.

§ 51.24 Affidavit of identifying witness.

(a) An identifying witness must execute an affidavit in the form prescribed by the Department before the person who accepts the passport application.

(b) A person who has received or expects to receive a fee for his or her services in connection with executing the application or obtaining the passport may not serve as an identifying witness.

§ 51.25 Name of applicant to be used in passport.

(a) The passport shall be issued in the full name of the applicant, generally the name recorded in the evidence of nationality and identity.

(b) The applicant must explain any material discrepancies between the name on the application and the name recorded in the evidence of nationality and identity. The name provided by the applicant on the application may be used if the applicant submits the documentary evidence prescribed by the Department.

(c) A name change will be recognized for purposes of issuing a passport if the name change occurs in one of the following ways.

(1) Court order or decree. An applicant whose name has been changed by court order or decree must submit with his or her application a certified copy of the order or decree. Acceptable types of court orders and decrees include but are not limited to:

(i) A name change order;

(ii) A divorce decree specifically declaring the return to a former name;

(2) Certificate of naturalization issued in a new name.

(3) Marriage. An applicant who has adopted a new name following marriage must present a copy of the marriage certificate.

(4) Customary usage. An applicant who has adopted a new name without formal court proceedings or a marriage must submit evidence of public and exclusive use of the adopted name for a long period of time, in general five years, as prescribed by guidance issued by the Department. The evidence must include three or more public documents, including one government-issued identification with photograph and other acceptable public documents prescribed by the Department.

§ 51.26 Photographs.

The applicant must submit with his or her application photographs as prescribed by the Department.

§ 51.27 Incompetents.

A legal guardian or other person with the legal capacity to act on behalf of a person declared incompetent may execute a passport application on the incompetent person's behalf.

§ 51.28 Minors.

(a) Minors under age 16.

(1) Personal appearance. Minors under 16 years of age applying for a passport must appear in person, unless the personal appearance of the minor is specifically excused by a senior passport authorizing officer, pursuant to guidance issued by the Department. In cases where personal appearance is excused, the person(s) executing the passport application on behalf of the minor shall appear in person and verify the application by oath or affirmation before a person authorized by the Secretary to administer oaths or affirmations, unless these requirements are also excused by a senior passport authorizing officer pursuant to guidance issued by the Department.

(2) Execution of passport application by both parents or by each legal guardian. Except as specifically provided in this section, both parents or each of the minor's legal guardians, if any, whether applying for a passport for the first time or for a renewal, must execute the application on behalf of a minor under age 16 and provide documentary evidence of parentage or legal guardianship showing the minor's name, date and place of birth, and the names of the parent or parents.

(3) Execution of passport application by one parent or legal guardian. A passport application may be executed on behalf of a minor under age 16 by only one parent or legal guardian if such person provides:

(i) A notarized written statement or affidavit from the non-applying parent or legal guardian, if applicable, consenting to the issuance of the passport, or

(ii) Documentary evidence that such person is the sole parent or has sole custody of the minor. Such evidence includes, but is not limited to, the following:

(A) A birth certificate providing the minor's name, date and place of birth and the name of only the applying parent;

(B) A Consular Report of Birth Abroad of a Citizen of the United States of America or a Certification of Report of Birth of a United States Citizen providing the minor's name, date and place of birth and the name of only the applying parent;

(C) A copy of the death certificate for the non-applying parent or legal guardian;

(D) An adoption decree showing the name of only the applying parent;

(E) An order of a court of competent jurisdiction granting sole legal custody to the applying parent or legal guardian containing no travel restrictions inconsistent with issuance of the passport; or, specifically authorizing the applying parent or legal guardian to obtain a passport for the minor, regardless of custodial arrangements; or specifically authorizing the travel of the minor with the applying parent or legal guardian;

(F) An order of a court of competent jurisdiction terminating the parental rights of the non-applying parent or

declaring the non-applying parent or legal guardian to be incompetent.

(G) An order of a court of competent jurisdiction providing for joint legal custody or requiring the permission of both parents or the court for important decisions will be interpreted as requiring the permission of both parents or the court, as appropriate. Notwithstanding the existence of any such court order, a passport may be issued when compelling humanitarian or emergency reasons relating to the welfare of the minor exist.

(4) Execution of passport application by a person acting *in loco parentis*.

(i) A person may apply *in loco parentis* on behalf of a minor under age 16 by submitting a notarized written statement or a notarized affidavit from both parents or each legal guardian, if any, specifically authorizing the application.

(ii) If only one parent or legal guardian provides the notarized written statement or notarized affidavit, the applicant must provide documentary evidence that an application may be made by one parent or legal guardian, consistent with § 51.28(a)(3).

(5) Exigent or special family circumstances. A passport may be issued when only one parent, legal guardian or person acting *in loco parentis* executes the application, in cases of exigent or special family circumstances.

(i) ''Exigent circumstances'' are defined as time-sensitive circumstances in which the inability of the minor to obtain a passport would jeopardize the health and safety or welfare of the minor or would result in the minor being separated from the rest of his or her traveling party. ''Time sensitive'' generally means that there is not enough time before the minor's emergency travel to obtain either the required consent of both parents/legal guardians or documentation reflecting a sole parent's/legal guardian's custody rights.

(ii) ''Special family circumstances'' are defined as circumstances in which the minor's family situation makes it exceptionally difficult for one or both of the parents to execute the passport application; and/or compelling humanitarian circumstances where the minor's lack of a passport would jeopardize the health, safety, or welfare of the minor; or, pursuant to guidance issued by the Department, circumstances in which return of a minor to the jurisdiction of his or her home state or habitual residence is necessary to permit a court of competent jurisdiction to adjudicate or enforce a custody determination. A passport issued due to such special family circumstances may be limited for direct return to the United States in accordance with § 51.60(e).

(iii) A parent, legal guardian, or person acting *in loco parentis* who is applying for a passport for a minor under age 16 under this paragraph must submit a written statement with the application describing the exigent or special family circumstances he or she believes should be taken into consideration in applying an exception.

(iv) Determinations under § 51.28(a)(5) must be made by a senior passport authorizing officer pursuant to guidance issued by the Department.

(6) Nothing contained in this section shall prohibit any Department official adjudicating a passport application filed on behalf of a minor from requiring an applicant to submit other documentary evidence deemed necessary to establish the applying adult's entitlement to obtain a passport on behalf of a minor under the age of 16 in accordance with the provisions of this regulation.

(b) Minors 16 years of age and above.

(1) A minor 16 years of age and above applying for a passport must appear in person and may execute the application for a passport on his or her own behalf unless the personal appearance of the minor is specifically excused by a senior passport authorizing officer pursuant to guidance issued by the Department, or unless, in the judgment of the person before whom the application is executed, it is not advisable for the minor to execute his or her own application. In such case, it must be executed by a parent or legal guardian of the minor, or by a person *in loco parentis, unless the personal appearance of the parent, legal guardian or person in loco parentis is excused by the senior passport authorizing officer pursuant to guidance issued by the Department.*

(2) The passport issuing officer may at any time require a minor 16 years of age and above to submit the notarized consent of a parent, a legal guardian, or a person *in loco parentis* to the issuance of the passport.

(c) Rules applicable to all minors.

(1) Objections. At any time prior to the issuance of a passport to a minor, the application may be disapproved and a passport may be denied upon receipt of a written objection from a parent or legal guardian of the minor, or from another party claiming authority to object, so long as the objecting party provides sufficient documentation of his or her custodial rights or other authority to object.

(2) An order from a court of competent jurisdiction providing for joint legal custody or requiring the permission of both parents or the court for important decisions will be interpreted as requiring the permission of both parents.

(3) The Department will consider a court of competent jurisdiction to be a U.S. state or federal court or a foreign court located in the minor's home state or place of habitual residence.

(4) The Department may require that conflicts regarding custody orders, whether domestic or foreign, be settled by the appropriate court before a passport may be issued.

(5) Access by parents and legal guardians to passport records for minors. Either parent or any legal guardian of a minor may upon written request obtain information regarding the application for and issuance of a passport to a minor, unless the requesting parent's parental rights have been terminated by an order of a court of competent jurisdiction, a copy of which has been provided to the Department. The Department may deny such information to a parent or legal guardian if it determines that the minor objects to disclosure and the minor is 16 years of age or older.

Subpart C—Evidence of U.S. Citizenship or Nationality

§ 51.40 Burden of proof.

The applicant has the burden of proving that he or she is a U.S. citizen or non-citizen national.

§ 51.41 Documentary evidence.

The applicant must provide documentary evidence that he or she is a U.S. citizen or non-citizen national.

§ 51.42 Persons born in the United States applying for a passport for the first time.

(a) Primary evidence of birth in the United States. A person born in the United States generally must submit a birth certificate. The birth certificate must show the full name of the applicant, the applicant's place and date of birth, the full name of the parent(s), and must be signed by the official custodian of birth records, bear the seal of the issuing office, and show a filing date within one year of the date of birth.

(b) Secondary evidence of birth in the United States. If the applicant cannot submit a birth certificate that meets the requirement of paragraph (a) of this section, he or she must submit secondary evidence sufficient to establish to the satisfaction of the Department that he or she was born in the United States. Secondary evidence includes but is not limited to hospital birth certificates, baptismal certificates, medical and school records, certificates of circumcision, other documentary

evidence created shortly after birth but not more than 5 years after birth, and/or affidavits of persons having personal knowledge of the facts of the birth.

§ 51.43 Persons born outside the United States applying for a passport for the first time.

(a) Generally. A person born outside the United States must submit documentary evidence that he or she meets all the statutory requirements for acquisition of U.S. citizenship or non-citizen nationality under the provision of law or treaty under which the person is claiming U.S. citizenship or non-citizen nationality.

(b) Documentary Evidence. (1) Types of documentary evidence of citizenship for a person born outside the United States include:

(i) A certificate of naturalization.

(ii) A certificate of citizenship.

(iii) A Consular Report of Birth Abroad.

(2) An applicant without one of these documents must produce supporting documents as required by the Department, showing acquisition of U.S. citizenship under the relevant provisions of law.

§ 51.44 Proof of resumption or retention of U.S. citizenship.

An applicant who claims to have resumed or retained U.S. citizenship must submit with the application a certificate of naturalization or evidence that he or she took the steps necessary to resume or retain U.S. citizenship in accordance with the applicable provision of law.

§ 51.45 Department discretion to require evidence of U.S. citizenship or non-citizen nationality.

The Department may require an applicant to provide any evidence that it deems necessary to establish that he or she is a U.S. citizen or non-citizen national, including evidence in addition to the evidence specified in 22 CFR 51.42 through 51.44.

§ 51.46 Return or retention of evidence of U.S. citizenship or non-citizen nationality.

The Department will generally return to the applicant evidence submitted in connection with an application for a passport. The Department may, however, retain evidence when it deems it necessary.

Subpart D—Fees

§ 51.50 Form of payment.

Passport fees must be paid in U.S. currency or in other forms of payments permitted by the Department.

§ 51.51 Passport fees.

The Department collects the following passport fees in the amounts prescribed in the Schedule of Fees for Consular Services (22 CFR 22.1):

(a) An application fee, which must be paid at the time of application, except as provided in § 51.52(a), and is not refundable, except as provided in § 51.53.

(b) An execution fee, except as provided in § 51.52(b), when the applicant is required to execute the application in person before a person authorized to administer oaths for passport purposes. The execution fee is collected at the time of application and is not refundable (see § 51.55). When execution services are provided by an official of a state or local government or of the United States Postal Service (USPS), the state or local government or USPS may retain the fee if authorized to do so by the Department.

(c) A fee for expedited passport processing, if applicable (see § 51.56).

(d) A surcharge of twelve dollars on the filing of each application for a passport in order to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1165 note). The surcharge will be recovered by the Department of State from within the passport fee reflected in Schedule of Consular Fees. The surcharge will be imposed until October 1, 2010.

(e) Any other fee that the Department is authorized or required by law to charge for passport services.

(f) The foregoing fees are applicable regardless of the validity period of the passport.

§ 51.52 Exemption for payment of passport fees.

The following persons are exempt from payment of passport fees except for the passport execution fee, unless their applications are executed before a federal official, in which case they are also exempt from payment of the passport execution fee:

(a) An officer or employee of the United States traveling on official business and the members of his or her immediate family. The applicant must submit evidence of the official purpose of the travel and, if applicable, authorization for the members of his or her immediate family to accompany or reside with him or her abroad.

(b) An American seaman who requires a passport in connection with his or her duties aboard a United States flag vessel.

(c) A widow, widower, child, parent, brother or sister of a deceased member of the U.S. Armed Forces proceeding abroad to visit the grave of such service member or to attend a funeral or memorial service for such member.

(d) Other persons whom the Department determines should be exempt from payment of passport fees for compelling circumstances, pursuant to guidance issued by the Department; or

(e) Other categories of persons exempted by law.

§ 51.53 Refunds.

(a) The Department will refund the passport application fee and the security surcharge to any person exempt from payment of passport fees under 22 CFR 51.52 from whom the fee was erroneously collected.

(b) The Department will refund an expedited passport processing fee if the Department fails to provide expedited passport processing as defined in 22 CFR 51.56.

(c) For procedures on refunds of $5.00 or less, see 22 CFR 22.6(b).

§ 51.54 Replacement passports without payment of applicable fees.

A passport issuing office may issue a replacement passport for the following reasons without payment of applicable fees:

(a) To correct an error or rectify a mistake of the Department;

(b) When the bearer has changed his or her name or other personal identifier listed on the data page of the passport, and applies for a replacement passport within one year of the date of the passport's original issuance.

(c) When the bearer of an emergency full fee passport issued for a limited validity period applies for a full validity passport within one year of the date of the passport's original issuance.

(d) When a passport is retained by law enforcement or the judiciary for evidentiary purposes and the bearer is still eligible to have a passport.

(e) When a passport is issued to replace a passport with a failed electronic chip for the balance of the original validity period.

§ 51.55 Execution fee not refundable.

The fee for the execution of a passport application is not refundable.

§ 51.56 Expedited passport processing.

(a) Within the United States, an applicant for passport service (including issuance, replacement or the addition of visa pages) may request expedited processing. The Department may decline to accept the request.

(b) Expedited passport processing means completing processing within the number of business days specified by law, beginning on the day when the application reaches a Passport Agency or Center or, if the application is already with a Passport Agency or Center, beginning when the request for expedited processing is approved. The processing is considered completed on the day when the passport is ready to be picked up by the applicant or is mailed to the applicant.

(c) A fee is charged for expedited passport processing (see 22 CFR 51.51(c)). The fee does not cover any costs of mailing above the normal level of service regularly provided by the Department. The cost of expedited mailing must be paid by the applicant.

(d) The Department will not charge the fee for expedited passport processing if the Department's error, mistake or delay caused the need for expedited processing.

Subpart E—Denial, Revocation and Restriction of Passports

§ 51.60 Denial and restriction of passports.

(a) The Department may not issue a passport, except a passport for direct return to the United States, in any case in which the Department determines or is informed by competent authority that:

(1) The applicant is in default on a loan received from the United States under 22 U.S.C. 2671(b)(2)(B) for the repatriation of the applicant and, where applicable, the applicant's spouse, minor child(ren), and/or other immediate family members, from a foreign country (see 22 U.S.C. 2671(d)); or

(2) The applicant has been certified by the Secretary of Health and Human Services as notified by a state agency under 42 U.S.C. 652(k) to be in arrears of child support in an amount determined by statute.

(b) The Department may refuse to issue a passport in any case in which the Department determines or is informed by competent authority that:

(1) The applicant is the subject of an outstanding Federal warrant of arrest for a felony, including a warrant issued under the Federal Fugitive Felon Act (18 U.S.C. 1073); or

(2) The applicant is subject to a criminal court order, condition of probation, or condition of parole, any of which forbids departure from the United States and the violation of which could result in the issuance of a Federal warrant of arrest, including a warrant issued under the Federal Fugitive Felon Act; or

(3) The applicant is subject to a U.S. court order committing him or her to a mental institution; or

(4) The applicant has been legally declared incompetent by a court of competent jurisdiction in the United States; or

(5) The applicant is the subject of a request for extradition or provisional request for extradition which has been presented to the government of a foreign country; or

(6) The applicant is the subject of a subpoena received from the United States pursuant to 28 U.S.C. 1783, in a matter involving Federal prosecution for, or grand jury investigation of, a felony; or

(7) The applicant is a minor and the passport may be denied under 22 CFR 51.28; or

(8) The applicant is subject to an order of restraint or apprehension issued by an appropriate officer of the United States Armed Forces pursuant to chapter 47 of title 10 of the United States Code; or

(9) The applicant is the subject of an outstanding state or local warrant of arrest for a felony; or

(10) The applicant is the subject of a request for extradition or provisional arrest submitted to the United States by a foreign country.

(c) The Department may refuse to issue a passport in any case in which:

(1) The applicant has not repaid a loan received from the United States under 22 U.S.C. 2670(j) for emergency medical attention, dietary supplements, and other emergency assistance, including, if applicable, assistance provided to his or her child(ren), spouse, and/or other immediate family members in a foreign country; or

(2) The applicant has not repaid a loan received from the United States under 22 U.S.C. 2671(b)(2)(B) or 22 U.S.C. 2671(b)(2)(A) for the repatriation or evacuation of the applicant and, if applicable, the applicant's child(ren), spouse, and/or other immediate family members from a foreign country to the United States; or

(3) The applicant has previously been denied a passport under this section or 22 CFR 51.61, or the Department has revoked the applicant's passport or issued a limited passport for direct return to the United States under 22 CFR 51.62, and the applicant has not shown that there has been a change in circumstances since the denial, revocation or issuance of a limited passport that warrants issuance of a passport; or

(4) The Secretary determines that the applicant's activities abroad are causing or are likely to cause serious damage to the national security or the foreign policy of the United States.

(d) The Department may refuse to issue a passport in a case in which the Department is informed by an appropriate foreign government authority or international organization that the applicant is the subject of a warrant of arrest for a felony.

(e) The Department may refuse to issue a passport, except a passport for direct return to the United States, in any case in which the Department determines or is informed by a competent authority that the applicant is a minor who has been abducted, wrongfully removed or retained in violation of a court order or decree and return to his or her home state or habitual residence is necessary to permit a court of competent jurisdiction to determine custody matters.

§ 51. 61 Denial of passports to certain convicted drug traffickers.

(a) A passport may not be issued in any case in which the Department determines or is informed by competent authority that the applicant is subject to imprisonment or supervised release as the result of a felony conviction for a Federal or state drug offense, if the individual used a U.S. passport or otherwise crossed an international border in committing the offense, including a felony conviction arising under:

(1) The Controlled Substances Act (21 U.S.C. 801 *et seq.*) or the Controlled Substances Import and Export Act (21 U.S.C. 951 *et seq.*); or

(2) Any Federal law involving controlled substances as defined in section 802 of the Controlled Substances Act (21 U.S.C. 801 *et seq.*); or

(3) The Bank Secrecy Act (31 U.S.C. 5311 *et seq.*) or the Money Laundering Act (18 U.S.C. 1956 *et seq.*) if the Department is in receipt of information that supports the determination that the violation involved is related to illicit production of or trafficking in a controlled substance; or

(4) Any state law involving the manufacture, distribution, or possession of a controlled substance.

(b) A passport may be refused in any case in which the Department determines or is informed by competent authority that the applicant is subject to imprisonment or supervised release as the result of a misdemeanor conviction of a Federal or state drug offense if the individual used a U.S. passport or otherwise crossed an international border in committing the offense, other than a first conviction for possession of a controlled substance, including a misdemeanor conviction arising under:

(1) The federal statutes described in § 51.61(a); or

(2) Any state law involving the manufacture, distribution, or possession of a controlled substance.

(c) Notwithstanding paragraph (a) of this section, the Department may issue a passport when the competent authority confirms, or the Department otherwise finds, that emergency circumstances or humanitarian reasons exist.

§ 51.62 Revocation or limitation of passports.

The Department may revoke a passport when:

(a) The bearer of the passport would not be entitled to issuance of a passport under 22 CFR 51.60 or 51.61; or 51.28; or any other provision contained in this Part; or,

(b) The passport has been obtained illegally, fraudulently or erroneously; was created through illegality or fraud practiced upon the Department; or has been fraudulently altered or misused; or

(c) The Department has determined that the bearer of the passport is not a U.S. national, or the Department is on notice that the bearer's certificate of citizenship or certificate of naturalization has been canceled.

§ 51.63 Passports invalid for travel into or through restricted areas; prohibition on passports valid only for travel to Israel.

(a) The Secretary may restrict the use of a passport for travel to or use in a country or area which the Secretary has determined is:

(1) A country with which the United States is at war; or

(2) A country or area where armed hostilities are in progress; or

(3) A country or area in which there is imminent danger to the public health or physical safety of United States travelers.

(b) Any determination made and restriction imposed under paragraph (a) of this section, or any extension or revocation of the restriction, shall be published in the **Federal Register**.

(c) A passport may not be designated as valid only for travel to Israel.

§ 51.64 Special validation of passports for travel to restricted areas.

(a) A U.S. national may apply to the Department for a special validation of his or passport to permit its use for travel to, or use in, a restricted country or area. The application must be accompanied by evidence that the applicant falls within one of the categories in paragraph (c) of this section.

(b) The Department may grant a special validation if it determines that the validation is in the national interest of the United States.

(c) A special validation may be determined to be in the national interest if:

(1) The applicant is a professional reporter or journalist, the purpose of whose trip is to obtain, and make available to the public, information about the restricted area; or

(2) The applicant is a representative of the International Committee of the Red Cross or the American Red Cross traveling pursuant to an officially-sponsored Red Cross mission; or

(3) The applicant's trip is justified by compelling humanitarian considerations; or

(4) The applicant's request is otherwise in the national interest.

§ 51.65 Notification of denial or revocation of passport.

(a) The Department will notify in writing any person whose application for issuance of a passport has been denied, or whose passport has been revoked. The notification will set forth the specific reasons for the denial or revocation, and, if applicable, the procedures for review available under 22 CFR 51.70–51.76.

(b) An application for a passport will be denied if an applicant fails to meet his or her burden of proof under 22 CFR 51.23(a) and 51.40 or otherwise does not provide documentation sufficient to establish entitlement to passport issuance within ninety days of notification by the Department that additional information from the applicant is required. Thereafter, if an applicant wishes to pursue a claim to entitlement to passport issuance, he or she must submit a new application and supporting documents, photographs, and statements in support of the application, along with applicable application and execution fees.

§ 51.66 Surrender of passport.

The bearer of a passport that is revoked must surrender it to the Department or its authorized representative upon demand.

Subpart F—Procedures for Review of Certain Denials and Revocations

§ 51.70 Request for hearing to review certain denials and revocations.

(a) A person whose passport has been denied or revoked under 22 CFR 51.60(b)(1)–(10), 51.60(c), 51.60(d), 51.61(b), or 51.62(b) may request a hearing to review the basis for the denial or revocation to the Department within 60 days of receipt of the notice of the denial or revocation.

(b) If a timely request for a hearing is made, the Department will hold it within 60 days of the date the Department receives the request, unless the person requesting the hearing asks for a later date and the Department and the hearing officer agree.

(c) The Department will give the person requesting the hearing not less than 10 business days' written notice of the date and place of the hearing.

§ 51.71 The hearing.

(a) The Department will name a hearing officer, who will make findings of fact and submit recommendations based on the record of the hearing as defined in § 51.72 to the Deputy Assistant Secretary for Passport Services in the Bureau of Consular Affairs.

(b) The person requesting the hearing may appear in person, or with or by his designated attorney. The attorney must be admitted to practice in any state of the United States, the District of Columbia, any territory or possession of the United States, or be admitted to practice before the courts of the country in which the hearing is to be held.

(c) The person requesting the hearing may testify, offer evidence in his or her own behalf, present witnesses, and make arguments at the hearing. The person requesting the hearing is responsible for all costs associated with the presentation of his or her case. The Department may present witnesses, offer evidence, and make arguments in its behalf. The Department is responsible for all costs associated with the presentation of its case.

(d) Formal rules of evidence will not apply, but the hearing officer may impose reasonable restrictions on relevancy, materiality, and competency of evidence presented. Testimony will be under oath or by affirmation under penalty of perjury. The hearing officer may not consider any information that is not also made available to the person requesting the hearing and made a part of the record of the proceeding.

(e) If any witness is unable to appear in person, the hearing officer may, in his or her discretion, accept an affidavit from or order a deposition of the witness, the cost for which will be the responsibility of the requesting party.

§ 51.72 Transcript and record of the hearing.

A qualified reporter will make a complete verbatim transcript of the hearing. The person requesting the hearing and/or his or her attorney may review and purchase a copy of the transcript. The hearing transcript and the documents received by the hearing

officer will constitute the record of the hearing.

§ 51.73 Privacy of hearing.

Only the person requesting the hearing, his or her attorney, the hearing officer, official reporters, and employees of the Department directly concerned with the presentation of the case for the Department may be present at the hearing. Witnesses may be present only while actually giving testimony or as otherwise directed by the hearing officer.

§ 51.74 Final decision.

After reviewing the record of the hearing and the findings of fact and recommendations of the hearing officer, the Deputy Assistant Secretary for Passport Services will decide whether to uphold the denial or revocation of the passport. The Department will promptly notify the person requesting the hearing in writing of the decision. If the decision is to uphold the denial or revocation, the notice will contain the reason(s) for the decision. The decision is final and is not subject to further administrative review.

Dated: February 26, 2007.

Maura Harty,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. E7–3870 Filed 3–6–07; 8:45 am]

BILLING CODE 4710–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2007–0072, EPA–HQ–SFUND–2007–0074, EPA–HQ–SFUND–2007–0078, EPA–HQ–SFUND–2007–0079, EPA–HQ–SFUND–2007–0080; FRL–8283–6]

RIN 2050–AD75

National Priorities List, Proposed Rule No. 46

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation. These further investigations will allow EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule proposes to add five new sites to the NPL, all to the General Superfund Section.

DATES: Comments regarding any of these proposed listings must be submitted (postmarked) on or before May 7, 2007.

ADDRESSES: Identify the appropriate FDMS Docket Number from the table below.

FDMS Docket Identification Numbers by Site:

Site name	City/state	FDMS Docket ID No.
Halaco Engineering Company	Oxnard, CA	EPA–HQ–SFUND–2007–0072
Eagle Zinc Co Div T L Diamond	Hillsboro, IL	EPA–HQ–SFUND–2007–0074
Eagle Picher Carefree Battery	Socorro, NM	EPA–HQ–SFUND–2007–0078
Formosa Mine	Douglas County, OR	EPA–HQ–SFUND–2007–0079
Five Points PCE Plume	Woods Cross/Bountiful, UT	EPA–HQ–SFUND–2007–0080

Submit your comments, identified by the appropriate FDMS Docket number, by one of the following methods:

- *http://www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: superfund.Docket@epa.gov.*
- *Mail:* Mail comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; (Mail Code 5305T); 1200 Pennsylvania Avenue NW.; Washington, DC 20460.
- *Hand Delivery or Express Mail:* Send comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue; EPA West, Room 3340, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday excluding Federal holidays). Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to the appropriate FDMS Docket number (see table above). EPA's policy is that all comments received will be included in the public Docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* website is an ''anonymous access'' system, that means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public Docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional Docket addresses and further details on their contents, see section II, ''Public Review/Public Comment,'' of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone (703) 603–8852; State, Tribal and Site Identification Branch; Assessment and Remediation Division; Office of Superfund Remediation and Technology Innovation (Mail Code 5204P); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW.; Washington, DC 20460; or the Superfund Hotline, Phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
A. What Are CERCLA and SARA?
B. What Is the NCP?
C. What Is the National Priorities List (NPL)?
D. How Are Sites Listed on the NPL?
E. What Happens to Sites on the NPL?
F. Does the NPL Define the Boundaries of Sites?
G. How Are Sites Removed From the NPL?
H. May EPA Delete Portions of Sites From the NPL as They Are Cleaned Up?
I. What Is the Construction Completion List (CCL)?
II. Public Review/Public Comment
A. May I Review the Documents Relevant to This Proposed Rule?
B. How Do I Access the Documents?
C. What Documents Are Available for Public Review at the Headquarters Docket?
D. What Documents Are Available for Public Review at the Regional Dockets?
E. How Do I Submit My Comments?
F. What Happens to My Comments?
G. What Should I Consider When Preparing My Comments?
H. May I Submit Comments After the Public Comment Period Is Over?
I. May I View Public Comments Submitted by Others?
J. May I Submit Comments Regarding Sites Not Currently Proposed to the NPL?
III. Contents of This Proposed Rule
A. Proposed Additions to the NPL
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
1. What Is Executive Order 12866?
2. Is This Proposed Rule Subject to Executive Order 12866 Review?
B. Paperwork Reduction Act
1. What Is the Paperwork Reduction Act?
2. Does the Paperwork Reduction Act Apply to This Proposed Rule?
C. Regulatory Flexibility Act
1. What Is the Regulatory Flexibility Act?
2. How Has EPA Complied With the Regulatory Flexibility Act?
D. Unfunded Mandates Reform Act
1. What Is the Unfunded Mandates Reform Act (UMRA)?
2. Does UMRA Apply to This Proposed Rule?
E. Executive Order 13132: Federalism—What Is Executive Order 13132 and Is It Applicable to This Proposed Rule?
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
1. What Is Executive Order 13175?
2. Does Executive Order 13175 Apply to This Proposed Rule?
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
1. What Is Executive Order 13045?
2. Does Executive Order 13045 Apply to This Proposed Rule?
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Usage—Is This Rule Subject to Executive Order 13211?
I. National Technology Transfer and Advancement Act
1. What Is the National Technology Transfer and Advancement Act?
2. Does the National Technology Transfer and Advancement Act Apply to This Proposed Rule?

I. Background

A. What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances, and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, or releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites that are owned or operated by other Federal agencies (the ''Federal Facilities Section''). With respect to sites in the Federal Facilities Section, these sites are generally being addressed by other Federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing a Hazard Ranking System (HRS) score and determining whether the facility is placed on the NPL. At Federal Facilities Section sites, EPA's role is less extensive than at other sites.

D. How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), that EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled

hazardous substances, pollutants or contaminants to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: Ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL; (2) Pursuant to 42 U.S.C 9605(a)(8)(B), each State may designate a single site as its top priority to be listed on the NPL, without any HRS score. This provision of CERCLA requires that, to the extent practicable, the NPL include one facility designated by each State as the greatest danger to public health, welfare, or the environment among known facilities in the State. This mechanism for listing is set out in the NCP at 40 CFR 300.425(c)(2); (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed without any HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658) and generally has updated it at least annually.

E. What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions. * * *'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. Does the NPL Define the Boundaries of Sites?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so. Indeed, the precise nature and extent of the site are typically not known at the time of listing.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. However, the NPL site is not necessarily coextensive with the boundaries of the installation or plant, and the boundaries of the installation or plant are not necessarily the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location where that contamination has come to be located, or from where that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site, properly understood, is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to, nor confined by, the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. In addition, the site name is merely used to help identify the geographic location of the contamination and is not meant to constitute any determination of liability at a site. For example, the name ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the problem presented by the release'' will be determined by a Remedial Investigation/Feasibility Study (''RI/FS'') as more information is developed on site contamination (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, the HRS inquiry focuses on an evaluation of the threat posed and therefore the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, it can submit supporting information to the Agency at any time after it receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met: (i) Responsible parties or other persons have implemented all appropriate response actions required; (ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or (iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

H. May EPA Delete Portions of Sites From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and made available for productive use.

I. What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or (3) The site qualifies for deletion from the NPL. For the most up-to-date information on the CCL, see EPA's Internet site at *http://www.epa.gov/superfund.*

II. Public Review/Public Comment

A. May I Review the Documents Relevant to This Proposed Rule?

Yes, documents that form the basis for EPA's evaluation and scoring of the sites in this rule are contained in public Dockets located both at EPA Headquarters in Washington, DC, in the Regional offices and by electronic access at *http://www.regulations.gov* (see instructions in the **ADDRESSES** section above).

B. How Do I Access the Documents?

You may view the documents, by appointment only, in the Headquarters or the Regional Dockets after the publication of this proposed rule. The hours of operation for the Headquarters Docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding Federal holidays. Please contact the Regional Dockets for hours.

The following is the contact information for the EPA Headquarters Docket: Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue; EPA West, Room 3340, Washington, DC 20004; 202/566–1744. (Please note this is a visiting address only. Mail comments to EPA Headquarters as detailed at the beginning of this preamble.)

The contact information for the Regional Dockets is as follows:

Joan Berggren, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Superfund Records and Information Center, Mailcode HSC, One Congress Street, Suite 1100, Boston, MA 02114–2023; 617/918–1417.

Dennis Munhall, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4343.

Dawn Shellenberger (ASRC), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3PM52, Philadelphia, PA 19103; 215/814–5364.

Debbie Jourdan, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street, SW., 9th floor, Atlanta, GA 30303; 404/562–8862.

Janet Pfundheller, Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA, Records Center, Superfund Division SRC–7J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/353–5821.

Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Mailcode 6SF–RA, Dallas, TX 75202–2733; 214/665–7436.

Michelle Quick, Region 7 (IA, KS, MO, NE), U.S. EPA, 901 North 5th Street, Kansas City, KS 66101; 913/551–7335.

Gwen Christiansen, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 1595 Wynkoop Street, Mailcode 8EPR–B, Denver, CO 80202–1129; 303/312–6463.

Dawn Richmond, Region 9 (AZ, CA, HI, NV, AS, GU), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105; 415/972–3097.

Ken Marcy, Region 10 (AK, ID, OR, WA), U.S. EPA, 1200 6th Avenue, Mail Stop ECL–115, Seattle, WA 98101; 206/553–2782.

You may also request copies from EPA Headquarters or the Regional Dockets. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

You may use the Docket at *http://www.regulations.gov* to access documents in the Headquarters Docket (see instructions included in the ''Addresses'' section above). Please note that there are differences between the Headquarters Docket and the Regional Dockets and those differences are outlined below.

C. What Documents Are Available for Public Review at the Headquarters Docket?

The Headquarters Docket for this rule contains the following for the sites proposed in this rule: HRS score sheets; Documentation Records describing the information used to compute the score; information for any sites affected by particular statutory requirements or EPA listing policies; and a list of documents referenced in the Documentation Record.

D. What Documents Are Available for Public Review at the Regional Dockets?

The Regional Dockets for this rule contain all of the information in the Headquarters Docket, plus, the actual reference documents containing the data principally relied upon and cited by EPA in calculating or evaluating the HRS score for the sites. These reference documents are available only in the Regional Dockets.

E. How Do I Submit My Comments?

Comments must be submitted to EPA Headquarters as detailed at the beginning of this preamble in the ''Addresses'' section. Please note that the mailing addresses differ according to method of delivery. There are two different addresses that depend on whether comments are sent by express mail or by postal mail.

F. What Happens to My Comments?

EPA considers all comments received during the comment period. Significant comments are typically addressed in a support document that EPA will publish concurrently with the **Federal Register** document if, and when, the site is listed on the NPL.

G. What Should I Consider When Preparing My Comments?

Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that EPA should consider and how it affects individual HRS factor values or other listing criteria (*Northside Sanitary Landfill* v. *Thomas,* 849 F.2d 1516 (DC Cir. 1988)). EPA will not address voluminous comments that are not specifically cited by page number and referenced to the HRS or other listing criteria. EPA will not address comments unless they indicate which component of the HRS documentation record or what particular point in EPA's stated eligibility criteria is at issue.

H. May I Submit Comments After the Public Comment Period Is Over?

Generally, EPA will not respond to late comments. EPA can only guarantee that it will consider those comments postmarked by the close of the formal comment period. EPA has a policy of generally not delaying a final listing decision solely to accommodate consideration of late comments.

I. May I View Public Comments Submitted by Others?

During the comment period, comments are placed in the Headquarters Docket and are available

to the public on an ''as received'' basis. A complete set of comments will be available for viewing in the Regional Dockets approximately one week after the formal comment period closes.

All public comments, whether submitted electronically or in paper, will be made available for public viewing in the electronic public Docket at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Once in the public Dockets system, select ''search,'' then key in the appropriate Docket ID number.

J. May I Submit Comments Regarding Sites Not Currently Proposed to the NPL?

In certain instances, interested parties have written to EPA concerning sites that were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the Docket.

III. Contents of This Proposed Rule

A. Proposed Additions to the NPL

In today's proposed rule, EPA is proposing to add five new sites to the NPL; all to the General Superfund Section of the NPL. All of the sites in this proposed rulemaking are being proposed based on HRS scores of 28.50 or above. The sites are presented in the table below.

State	Site name	City/county
CA ...	Halaco Engineering Company.	Oxnard.
IL	Eagle Zinc Co Div T L Diamond.	Hillsboro.
NM ..	Eagle Picher Carefree Battery.	Socorro.
OR ..	Formosa Mine	Douglas County.
UT ...	Five Points PCE Plume	Woods Cross/ Bountiful.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

1. What Is Executive Order 12866?

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

2. Is This Proposed Rule Subject to Executive Order 12866 Review?

No. The listing of sites on the NPL does not impose any obligations on any entities. The listing does not set standards or a regulatory regime and imposes no liability or costs. Any liability under CERCLA exists irrespective of whether a site is listed. It has been determined that this action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

1. What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9.

2. Does the Paperwork Reduction Act Apply to This Proposed Rule?

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

1. What Is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

2. How Has EPA Complied With the Regulatory Flexibility Act?

This proposed rule listing sites on the NPL, if promulgated, would not impose any obligations on any group, including small entities. This proposed rule, if promulgated, also would establish no standards or requirements that any small entity must meet, and would impose no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release of hazardous substances depends on whether that entity is liable under CERCLA 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking. Thus, this proposed rule, if promulgated, would not impose any requirements on any small entities. For the foregoing reasons, I certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

1. What Is the Unfunded Mandates Reform Act (UMRA)?

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

2. Does UMRA Apply to This Proposed Rule?

No, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments in the aggregate, or by the private sector in any one year. This rule will not impose any Federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

E. Executive Order 13132: Federalism

What Is Executive Order 13132 and Is It Applicable to This Proposed Rule?

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

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

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

1. What Is Executive Order 13175?

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

2. Does Executive Order 13175 Apply to This Proposed Rule?

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

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

1. What Is Executive Order 13045?

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

2. Does Executive Order 13045 Apply to This Proposed Rule?

This proposed rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this proposed rule present a disproportionate risk to children.

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

Is this Rule Subject to Executive Order 13211?

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

1. What Is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

2. Does the National Technology Transfer and Advancement Act Apply to This Proposed Rule?

No. This proposed rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: February 27, 2007.

Susan Parker Bodine,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. E7–3903 Filed 3–6–07; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 72, No. 44
Wednesday, March 7, 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

Agricultural Marketing Service

[Docket No. ST–07–01]

Plant Variety Protection Board; Open Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Plant Variety Protection Board.

DATES: March 20 and 21, 2007, 8:30 a.m. to 5 p.m., open to the public.

ADDRESSES: The meeting will be held in the United States Department of Agriculture George Washington Carver Center, 5601 Sunnyside Avenue, Room 4–2223, Beltsville, Maryland.

FOR FURTHER INFORMATION CONTACT: Mrs. Janice M. Strachan, Plant Variety Protection Office, Science and Technology Programs, Agricultural Marketing Service, United States Department of Agriculture, Telephone number (301) 504–5518, fax (301) 504–5291, or e-mail *PVPOmail@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 10(a) of the Federal Advisory Committee Act, this notice is given regarding a Plant Variety Protection (PVP) Board meeting. The board is constituted under section 7 of the PVP Act (7 U.S.C. 2327). The proposed agenda for the meeting will include discussions of: (1) The accomplishments of the PVP Office, (2) the financial status of the PVP Office, (3) E-business update, (4) Discussion of current program operations and policies, and (5) other related topics. Upon entering the George Washington Carver Center, visitors should inform security personnel that they are attending the PVP Board Meeting. Identification will be required to be admitted to the building. Security personnel will direct visitors to the registration table located outside of Room 4–2223. Registration upon arrival is necessary for all participants.

If you require accommodations, such as sign language interpreter, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. Minutes of the meeting will be available for public review 30 days following the meeting at the address listed under **FOR FURTHER INFORMATION CONTACT**. The minutes will also be posted on the Internet web site *http://www.ams.usda.gov/science/PVPO/PVPindex.htm.*

Dated: March 1, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–3939 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Accent Engineering, Inc. of Lubbock, Texas, an exclusive license to U.S. Patent No. 5,539,637, ''Biologically-Identified Optimal Temperature Interactive Console (BIOTIC) for Managing Irrigation,'' issued on July 23, 1996.

DATES: Comments must be received within thirty (30) days of the date of publication of this Notice in the **Federal Register**.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Accent Engineering, Inc. of Lubbock, Texas has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. E7–3934 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Hepalife Technologies, Inc. of Boston, Massachusetts, an exclusive license to U.S. Patent No. 5,532,156, ''Hepatocyte Cell Line Derived from the Epiblast of Pig Blastocysts'', issued on July 2, 8, 1996 and to U.S. Patent No. 5,866,420, ''Artificial Liver Device'', issued on February 1, 1999.

DATES: Comments must be received within thirty (30) calendar days of the date of publication of this Notice in the **Federal Register**.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's intellectual property rights to this invention are assigned to the United States of America, as represented by the

Secretary of Agriculture. It is in the public interest to so license this invention as Hepalife Technologies, Inc. of Boston, Massachusetts has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. E7–3935 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Commodity Partnerships for Risk Management Education (Commodity Partnerships Program)

Announcement Type: Availability of Funds and Request for Application for Competitive Cooperative Partnership Agreements.

Catalog of Federal Domestic Assistance Number (CFDA): 10.457.

Dates: Applications are due 5 p.m. EDT, April 23, 2007.

Summary: The Federal Crop Insurance Corporation (FCIC), operating through the Risk Management Agency (RMA), announces the availability of approximately $5.0 million for Commodity Partnerships for Risk Management Education (the Commodity Partnerships Program). The purpose of this cooperative partnership agreement program is to deliver training and information in the management of production, marketing, and financial risk to U.S. agricultural producers. The program gives priority to educating producers of crops currently not insured under Federal crop insurance, specialty crops, and underserved commodities, including livestock and forage. A maximum of 50 cooperative partnership agreements will be funded, with no more than five in each of the ten designated RMA Regions. The maximum award for any of the 50 cooperative partnership agreements will be $100,000. Applicants must demonstrate non-financial benefits from a cooperative partnership agreement and must agree to the substantial involvement of RMA in the project.

This Announcement Consists of Eight Sections:

Section I—Funding Opportunity Description
A. Legislative Authority
B. Background
C. Definition of Priority Commodities
D. Project Goal
E. Purpose
F. Objectives
Section II—Award Information
A. Type of Award
B. Funding Availability
C. Location and Target Audience
D. Maximum Award
E. Project Period
F. Awardee Tasks
G. RMA Activities
H. Other Tasks
Section III—Eligibility Information
A. Eligible Applicants
B. Cost Sharing or Matching
C. Other—Non-Financial Benefits
Section IV—Application and Submission Information
A. Address to Submit an Application Package
B. Content and Form of Application Submission
C. Submission Dates and Times
D. Funding Restrictions
E. Limitation on Use of Project Funds for Salaries and Benefits
F. Indirect Cost Rates
G. Other Submission Requirements
H. Electronic submissions
I. Acknowledgement of Applications
Section V—Application Review Process
A. Criteria
B. Selection and Review Process
Section VI—Award Administration
A. Award Notices
B. Administrative and National Policy Requirements
1. Requirement to Use Program Logo
2. Requirement to Provide Project Information to an RMA-selected Representative
3. Private Crop Insurance Organizations and Potential Conflict of Interest
4. Access to Panel Review Information
5. Confidential Aspects of Applications and Awards
6. Audit Requirements
7. Prohibitions and Requirements Regarding Lobbying
8. Applicable OMB Circulars
9. Requirement to Assure Compliance with Federal Civil Rights Laws
10. Requirement to Participate in a Post Award Conference
11. Requirement to Submit Educational Materials to the National AgRisk Education Library
C. Reporting Requirements
Section VII—Agency Contact
Section VIII—Additional Information
A. Dun and Bradstreet Data Universal Numbering System (DUNS)
B. Required Registration with the Central Contract Registry for Submission of Proposals
C. Related Programs

I. Funding Opportunity Description

A. Legislative Authority

The Commodity Partnerships Program is authorized under section 522(d)(3)(F) of the Federal Crop Insurance Act (Act) (7 U.S.C. 1522(d)(3)(F)).

B. Background

RMA promotes and regulates sound risk management solutions to improve the economic stability of American agriculture. On behalf of FCIC, RMA does this by offering Federal crop insurance products through a network of private-sector partners, overseeing the creation of new risk management products, seeking enhancements in existing products, ensuring the integrity of crop insurance programs, offering outreach programs aimed at equal access and participation of underserved communities, and providing risk management education and information.

One of RMA's strategic goals is to ensure that its customers are well informed as to the risk management solutions available. This educational goal is supported by section 522(d)(3)(F) of the Act, which authorizes FCIC funding for risk management training and informational efforts for agricultural producers through the formation of partnerships with public and private organizations. With respect to such partnerships, priority is to be given to reaching producers of Priority Commodities, as defined below.

C. Definition of Priority Commodities

For purposes of this program, Priority Commodities are defined as:

- *Agricultural commodities covered by (7 U.S.C. 7333).* Commodities in this group are commercial crops that are not covered by catastrophic risk protection crop insurance, are used for food or fiber (except livestock), and specifically include, but are not limited to, floricultural, ornamental nursery, Christmas trees, turf grass sod, aquaculture (including ornamental fish), and industrial crops.
- *Specialty crops.* Commodities in this group may or may not be covered under a Federal crop insurance plan and include, but are not limited to, fruits, vegetables, tree nuts, syrups, honey, roots, herbs, and highly specialized varieties of traditional crops.
- *Underserved commodities.* This group includes: (a) commodities, including livestock and forage, that are covered by a Federal crop insurance plan but for which participation in an area is below the national average; and (b) commodities, including livestock and forage, with inadequate crop insurance coverage.

A project is considered as giving priority to Priority Commodities if the majority of the educational activities of the project are directed to producers of any of the three classes of commodities listed above or any combination of the three classes.

D. Project Goal

The goal of this program is to ensure that ''* * * producers will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools.''

E. Purpose

The purpose of the Commodity Partnership Program is to provide U.S. farmers and ranchers with training and informational opportunities to be able to understand:

- The kinds of risks addressed by existing and emerging risk management tools;
- the features and appropriate use of existing and emerging risk management tools; and
- how to make sound risk management decisions.

F. Objectives

For 2007, the FCIC Board of Directors and the FCIC Manager are seeking projects with priorities that include the project objectives listed below which highlight the educational priorities within each RMA Region. The objectives are listed in priority order, with the most important objective designated as 1, the second most important designated as 2, etc. The order of priority will be considered in making awards. Applicants may propose other topics within any project objective but justification for those topics must be provided. RMA encourages applications that address multiple objectives, but each application must specify a single primary objective for funding purposes in an RMA Region. Applications that do not clearly specify a single primary objective for funding purposes in an RMA Region will be rejected. ''Unrestricted Risk Management Topics'' are topics that address the Commodity Partnership Program purpose as listed above in Section I *E.* In order of priority, the project objectives are:

Billings, MT Region: (MT, ND, SD, and WY)

1. Unrestricted Risk Management Topics (Two funded projects)
2. Adjusted Gross Revenue (AGR)-Lite Insurance Tools (MT, WY)
3. Pasture Rangeland and Forage (PRF) Rainfall Index Insurance Tools (ND)
4. PRF Vegetative Index Insurance Tools (SD)

Davis, CA Region: (AZ, CA, HI, NV, and UT)

1. Unrestricted Risk Management Topics (Two funded projects)
2. AGR (CA) and AGR-Lite Insurance Tools (AZ, HI, NV, UT)
3. Livestock Risk Protection (LRP) Insurance Tools (CA, NV, UT)
4. Hawaii Tropical Fruit Tree Insurance Tools (HI)

Jackson, MS Region: (AR, KY, LA, MS, and TN)

1. Unrestricted Risk Management Topics (Two funded projects)
2. Record Keeping Requirements for AGR-Lite Insurance Tools (TN)
3. LRP Insurance Tools, PRF Rainfall Index and the PRF Vegetation Index Insurance Tools (AR, KY, LA, MS, and TN)
4. Nursery Price Endorsement Crop Insurance Tool (AR, KY, LA, MS, and TN)

Oklahoma City, OK Region: (NM, OK, and TX)

1. Unrestricted Risk Management Topics (Two funded projects)
2. AGR-Lite Insurance Tools (NM)
3. PRF Rainfall Index (TX) and the PRF Vegetation Index (OK) Insurance Tools
4. LRP (OK, TX) Insurance Tools

Raleigh, NC Region: (CT, DE, MA, MD, ME, NC, NH, NY, NJ, PA, RI, VA, VT, and WV)

1. Unrestricted Risk Management Topics (Two funded projects)
2. Aquaculture (Clams) Insurance Tools—(MA, VA)
3. Nursery Insurance Tools—(CT, DE, MA, ME, MD, NC, NH, NY, NJ, PA, RI, VA, VT, and WV)
4. AGR Insurance Tools—(CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT, and VA)

AGR-Lite Insurance Tools—(CT, DE, MA, ME, MD, NC, NH, NY, NJ, PA, RI, VA, VT, and WV)

Livestock and LRP Insurance Tools—(WV)

PRF Rainfall Index and the PRF Vegetation Index Insurance Tools—(PA)

Spokane, WA Region: (AK, ID, OR, and WA)

1. Unrestricted Risk Management Topics (Two funded projects)
2. AGR-Lite Insurance Tools (Willamette Valley of OR and in Western WA)
3. PRF Rainfall Index Insurance Tool (ID) and PRF Vegetation Index Insurance Tool (OR)
4. LRP Lamb Pilot Insurance Tools (ID and OR)

Springfield, IL Region: (IL, IN, MI, and OH)

1. Unrestricted Risk Management Topics (Two funded projects)
2. AGR (MI), LRP Insurance Tools, PRF Rainfall Index and PRF Vegetation Index Insurance Tools (IL, IN, MI, OH)
3. Cherry Pilot Insurance Tools (MI)
4. Grape Insurance Tools (IL, IN, MI, OH)

St. Paul, MN Region: (IA, MN, and WI)

1. Unrestricted Risk Management Topics (Two funded projects)
2. AGR-Lite Insurance Tools (MN and WI)
3. LRP and Livestock Gross Margin (LGM) Insurance Tools
4. Hybrid Corn Seed Insurance Tools (IA, MN, and WI)

Topeka, KS Region: (CO, KS, MO, and NE)

1. Unrestricted Risk Management Topics (Two funded projects)
2. AGR-Lite Insurance Tools (CO, KS)
3. PRF Rainfall Index and PRF Vegetation Index Insurance Tools (CO)
4. Documentation Requirements for Irrigation Availability (CO, KS, NE)

Valdosta, GA Region: (AL, FL, GA, SC, and Puerto Rico)

1. Unrestricted Risk Management Topics (Two funded projects)
2. PRF Rainfall Index and PRF Vegetation Index Insurance Tools (SC)
3. AGR-Lite Insurance Tools (AL, FL, GA and SC)
4. Avocado Fruit (Dade County, FL) and Citrus Insurance Tools (FL)

II. Award Information

A. Type of Award

Cooperative Partnership Agreements, which require the substantial involvement of RMA.

B. Funding Availability

Approximately $5,000,000 is available in fiscal year 2007 to fund up to 50 cooperative partnership agreements. The maximum award will be $100,000. It is anticipated that a maximum of five agreements will be funded for each designated RMA Region. Applicants should apply for funding under that RMA Region where the educational activities will be directed.

In the event that all funds available for this program are not obligated after the maximum number of agreements are awarded or if additional funds become available, these funds may, at the

discretion of the Manager of FCIC, be used to award additional applications that score highly by the technical review panel or allocated pro-rata to awardees for use in broadening the size or scope of awarded projects if agreed to by the awardee. In the event that the Manager of FCIC determines that available RMA resources cannot support the administrative and substantial involvement requirements of all agreements recommended for funding, the Manager may elect to fund fewer agreements than the available funding might otherwise allow. It is expected that the awards will be made approximately 60 days after the application deadline. All awards will be made and agreements finalized no later than September 30, 2007.

C. Location and Target Audience

RMA Regional Offices and the States serviced within each Region are listed below. Staff from the respective RMA Regional Offices will provide substantial involvement for projects conducted within their Region.

Billings, MT Regional Office: (MT, ND, SD, and WY)

Davis, CA Regional Office: (AZ, CA, HI, NV, and UT)

Jackson, MS Regional Office: (AR, KY, LA, MS, and TN)

Oklahoma City, OK Regional Office: (NM, OK, and TX)

Raleigh, NC Regional Office: (CT, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, VA, VT, and WV)

Spokane, WA Regional Office: (AK, ID, OR, and WA)

Springfield, IL Regional Office: (IL, IN, MI, and OH)

St. Paul, MN Regional Office: (IA, MN, and WI)

Topeka, KS Regional Office: (CO, KS, MO, and NE)

Valdosta, GA Regional Office: (AL, FL, GA, SC, and Puerto Rico)

Applicants must clearly designate in their application narratives the RMA Region where educational activities will be conducted, the specific groups of producers within the region that the applicant intends to reach through the project, and must clearly designate in their application the primary educational objective listed in Section I (F) that the project will address. Priority will be given to producers of Priority Commodities. Applicants proposing to conduct educational activities in more than one RMA Region must submit a separate application for each RMA Region. Single applications proposing to conduct educational activities in more than one RMA Region will be rejected.

D. Maximum Award

Any application that requests Federal funding of more than $100,000 will be rejected. RMA also reserves the right to fund successful applications at an amount less than requested if it is judged that the application can be implemented at a lower funding level.

E. Project Period

Projects will be funded for a period of up to one year from the project starting date.

F. Awardee Tasks

In conducting activities to achieve the purpose and goal of this program in a designated RMA Region, the awardee will be responsible for performing the following tasks:

- Develop and conduct a promotional program. This program will include activities using media, newsletters, publications, or other appropriate informational dissemination techniques that are designed to: (a) Raise awareness for risk management; (b) inform producers of the availability of risk management tools; and (c) inform producers and agribusiness leaders in the designated RMA Region of training and informational opportunities.
- Deliver risk management training and informational opportunities to agricultural producers and agribusiness professionals in the designated RMA Region. This will include organizing and delivering educational activities using instructional materials that have been assembled to meet the local needs of agricultural producers. Activities should be directed primarily to agricultural producers, but may include those agribusiness professionals that have frequent opportunities to advise producers on risk management tools and decisions.
- Document all educational activities conducted under the partnership agreement and the results of such activities, including criteria and indicators used to evaluate the success of the program. The awardee may also be required to provide information to an RMA-selected contractor to evaluate all educational activities and advise RMA as to the effectiveness of activities.

G. RMA Activities

FCIC, working through RMA, will be substantially involved during the performance of the funded project through RMA's ten Regional Offices. Potential types of substantial involvement may include, but are not limited to the following activities.

- Assist in the selection of subcontractors and project staff.
- Collaborate with the awardee in assembling, reviewing, and approving risk management materials for producers in the designated RMA Region.
- Collaborate with the awardee in reviewing and approving a promotional program for raising awareness for risk management and for informing producers of training and informational opportunities in the RMA Region.
- Collaborate with the awardee on the delivery of education to producers and agribusiness leaders in the RMA Region. This will include: (a) Reviewing and approving in advance all producer and agribusiness leader educational activities; (b) advising the project leader on technical issues related to crop insurance education and information; and (c) assisting the project leader in informing crop insurance professionals about educational activity plans and scheduled meetings.
- Conduct an evaluation of the performance of the awardee in meeting the deliverables of the project.

Applications that do not contain substantial involvement by RMA will be rejected.

H. Other Tasks

In addition to the specific, required tasks listed above, the applicant may propose additional tasks that would contribute directly to the purpose of this program. For any proposed additional task, the applicant must identify the objective of the task, the specific subtasks required to meet the objective, specific time lines for performing the subtasks, and the specific responsibilities of partners. The applicant must also identify specific ways in which RMA would have substantial involvement in the proposed project task.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants include State departments of agriculture, universities, non-profit agricultural organizations, and other public or private organizations with the capacity to lead a local program of risk management education for farmers and ranchers in an RMA Region. Individuals are not eligible applicants. Although an applicant may be eligible to compete for an award based on its status as an eligible entity, other factors may exclude an applicant from receiving Federal assistance under this program governed by Federal law and regulations (e.g. debarment and suspension; a determination of non-performance on a prior contract, cooperative agreement,

grant or partnership; a determination of a violation of applicable ethical standards; a determination of being considered ''high risk''). Applications from ineligible or excluded persons will be rejected in their entirety.

B. Cost Sharing or Matching

Although RMA prefers cost sharing by the applicant, this program has neither a cost sharing nor a matching requirement.

C. Other—Non-Financial Benefits

To be eligible, applicants must also be able to demonstrate that they will receive a non-financial benefit as a result of a partnership agreement. Non-financial benefits must accrue to the applicant and must include more than the ability to provide employment income to the applicant or for the applicant's employees or the community. The applicant must demonstrate that performance under the partnership agreement will further the specific mission of the applicant (such as providing research or activities necessary for graduate or other students to complete their educational program). Applicants that do not demonstrate a non-financial benefit will be rejected.

IV. Application and Submission Information

A. Contact to Request Application Package

Program application materials for the Commodity Partnerships Program under this announcement may be downloaded from *http://www.rma.usda.gov/aboutrma/agreements*. Applicants may also request application materials from: Lon Burke, USDA–RMA–RME, phone: (202) 720–5265, fax: (202) 690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov*.

B. Content and Form of Application Submission

A complete and valid application package must include an electronic copy (Microsoft Word format preferred) of the narrative portion (Forms RME 1 and RME–2) of the application package on a compact disc and an original and two copies of the completed and signed application must be submitted in one package at the time of initial submission, which must include the following:

1. A completed and signed OMB Standard Form 424, ''Application for Federal Assistance.''
2. A completed and signed OMB Standard Form 424–A, ''Budget Information—Non-construction Programs.'' Federal funding requested (the total of direct and indirect costs) must not exceed $100,000.
3. A completed and signed OMB Standard Form 424–B, ''Assurances, Non-constructive Programs.''
4. Risk Management Education Project Narrative (Form RME–1). Complete all required parts of Form RME–1:

Part I—Title Page.

Part II—A written narrative of no more than 10 single-sided pages which will provide reviewers with sufficient information to effectively evaluate the merits of the application according to the evaluation criteria listed in this notice. Although a Statement of Work, which is the third evaluation criterion, is to be completed in detail in RME Form–2, applicants may wish to highlight certain unique features of the Statement of Work in Part II for the benefit of the evaluation panel. If your narrative exceeds the page limit, only the first 10 pages will be reviewed.

- No smaller than 12 point font size.
- Use an easily readable font face (*e.g.*, Arial, Geneva, Helvetica, Times Roman).
- 8.5 by 11 inch paper
- One-inch margins on each page.
- Printed on only one side of paper.
- Held together only by rubber bands or metal clips; not bound or stapled in any other way

Part III—A Budget Narrative, describing how the categorical costs listed on SF 424-A are derived. The budget narrative should provide enough detail for reviewers to easily understand how costs were determined and how they relate to the goals and objectives of the project.

Part IV—Provide a ''Statement of Non-financial Benefits.'' (Refer to Section III, Eligibility Information, C. Other—Non-financial Benefits, above).

5. ''Statement of Work,'' Form RME–2, which identifies tasks and subtasks in detail, expected completion dates and deliverables, and RMA's substantial involvement role for the proposed project.

Applications that do not include items 1–5 above will be considered incomplete and will not receive further consideration and will be rejected.

C. Submission Dates and Times

Applications Deadline: 5 p.m. EDT, May 7, 2007. Applicants are responsible for ensuring that RMA receives a complete application package by the closing date and time. USPS mail sent to Washington DC headquarters is sanitized offsite, which may result in delays, loss, and physical damage to enclosures. Regardless of the delivery method you choose, please do so sufficiently in advance of the due date to ensure your application package is received on or before the deadline. It is your responsibility to meet the due date and time. E-mailed and faxed applications will not be accepted. Late application packages will not receive further consideration and will be rejected.

D. Funding Restrictions

Cooperative partnership agreement funds may not be used to:

a. Plan, repair, rehabilitate, acquire, or construct a building or facility including a processing facility;

b. purchase, rent, or install fixed equipment;

c. repair or maintain privately owned vehicles;

d. pay for the preparation of the cooperative partnership agreement application;

e. fund political activities;

f. purchase alcohol, food, beverage, or entertainment;

g. pay costs incurred prior to receiving a partnership agreement;

h. fund any activities prohibited in 7 CFR Parts 3015 and 3019, as applicable.

E. Limitation on Use of Project Funds for Salaries and Benefits

Total costs for salary and benefits allowed for projects under this announcement will be limited to not more than 60 percent reimbursement of the funds awarded under the cooperative partnership agreement as indicated in Section III. Eligibility Information, C. Other—Non-financial Benefits. One goal of the Commodity Partnerships program is to maximize the use of the limited funding available for risk management education for producers of Priority Commodities. In order to accomplish this goal, RMA needs to ensure that the maximum amount of funds practicable is used for directly providing the educational opportunities. Limiting the amount of funding for salaries and benefits will allow the limited amount of funding to reach the maximum number of farmers and ranchers.

F. Indirect Cost Rates

a. Indirect costs allowed for projects submitted under this announcement will be limited to ten (10) percent of the total direct cost of the cooperative partnership agreement. Therefore, when preparing budgets, applicants should limit their requests for recovery of indirect costs to the lesser of their institution's official negotiated indirect cost rate or 10 percent of the total direct costs.

b. RMA will withhold all indirect cost rate funds for an award to an applicant requesting indirect costs if the applicant has not negotiated an indirect cost rate with its cognizant Federal agency.

c. If an applicant is in the process of negotiating an indirect cost rate with its cognizant Federal agency, RMA will withhold all indirect cost rate funds from that applicant until the indirect cost rate has been established.

d. If an applicant's indirect cost rate has expired or will expire prior to award announcements, a clear statement on renegotiation efforts must be included in the application.

e. It is incumbent on all applicants to have a current indirect cost rate or begin negotiations to establish an indirect cost rate prior to the submission deadline. Because it may take several months to obtain an indirect cost rate, applicants needing an indirect cost rate are encouraged to start work on establishing these rates well in advance of submitting an application. The U.S. Office of Management and Budget (OMB) is responsible for assigning cognizant Federal agencies.

f. Applicants may be asked to provide a copy of their indirect cost rate negotiated with their cognizant agency.

g. RMA reserves the right to negotiate final budgets with successful applicants.

G. Other Submission Requirements

Mailed submissions: Applications submitted through express, overnight mail or another delivery service will be considered as meeting the announced deadline if they are received in the mailroom at the address stated below for express, overnight mail or another delivery service on or before the deadline. Applicants are cautioned that express, overnight mail or other delivery services do not always deliver as agreed. Applicants should take this into account because failure of such delivery services will not extend the deadline. Mailed applications will be considered as meeting the announced deadline if they are received on or before the deadline in the mailroom at the address stated below for mailed applications. Applicants are responsible for mailing applications well in advance, to ensure that applications are received on or before the deadline time and date. Applicants using the U.S. Postal Services should allow for the extra security handling time for delivery due to the additional security measures that mail delivered to government offices in the Washington DC area requires.

Address when using private delivery services or when hand delivering: Attention: Risk Management Education Program, USDA/RMA/RME, Room 5720, South Building, 1400 Independence Avenue, SW., Washington, DC 20250.

Address when using U.S. Postal Services: Attention: Risk Management Education Program, USDA/RMA/RME/Stop 0808, Room 5720, South Building, 1400 Independence Ave, SW., Washington, DC 20250–0808.

H. Electronic Submissions

Applications transmitted electronically via Grants.gov will be accepted prior to the application date or time deadline. The application package can be accessed via Grants.gov, go to *http://www.grants.gov*, click on ''Find Grant Opportunities,'' click on ''Search Grant Opportunities,'' and enter the CFDA number (located at the beginning of this RFA) to search by CFDA number. From the search results, select the item that correlates to the title of this RFA. If you do not have electronic access to the RFA or have trouble downloading material and you would like a hardcopy, you may contact Lon Burke, USDA–RMA–RME, phone: (202) 720–5265, fax: (202) 690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov.*

If assistance is needed to access the application package via Grants.gov (e.g., downloading or navigating PureEdge forms, using PureEdge with a Macintosh computer), refer to resources available on the Grants.gov Web site first (*http://www.grants.gov/*). Grants.gov assistance is also available as follows:

- Grants.gov customer support, Toll Free: 1–800–518–4726, Business Hours: M–F 7 am—9 pm Eastern Standard Time, E-mail: *support@grants.gov.*

Applicants who submit their applications via the Grants.gov website are not required to submit any hard copy documents to RMA.

When using Grants.gov to apply, RMA strongly recommends that you submit the online application at least two weeks prior to the application due date in case there are problems with the Grants.gov website and you want to submit your application via a mail delivery service.

I. Acknowledgement of Applications

Receipt of applications will be acknowledged by e-mail, whenever possible. Therefore, applicants are encouraged to provide e-mail addresses in their applications. If an e-mail address is not indicated on an application, receipt will be acknowledged by letter. There will be no notification of incomplete, unqualified or unfunded applications until the awards have been made. When received by RMA, applications will be assigned an identification number. This number will be communicated to applicants in the acknowledgement of receipt of applications. An application's identification number should be referenced in all correspondence regarding the application. If the applicant does not receive an acknowledgement within 15 days of the submission deadline, the applicant should notify RMA's point of contact indicated in Section VII, Agency Contact.

V. Application Review Information

A. Criteria

Applications submitted under the Commodity Partnerships Program will be evaluated within each RMA Region according to the following criteria:

Priority—Maximum 10 Points

The applicant can submit projects that are not related to Priority Commodities. However, priority is given to projects relating to Priority Commodities and the degree in which such projects relate to the Priority Commodities. Projects that relate solely to Priority Commodities will be eligible for the most points.

Project Benefits—Maximum 35 Points

The applicant must demonstrate that the project benefits to farmers and ranchers warrant the funding requested. Applicants will be scored according to the extent they can: (a) Reasonably estimate the total number of producers reached through the various educational activities described in the Statement of Work; (b) justify such estimates with clear specifics; (c) identify the actions producers will likely be able to take as a result of the activities described in the Statement of Work; and (d) identify the specific measures for evaluating results that will be employed in the project. Reviewers' scoring will be based on the scope and reasonableness of the applicant's estimates of producers reached through the project, clear descriptions of specific expected project benefits, and well-designed methods for measuring the project's results and effectiveness.

Statement of Work—Maximum 15 Points

The applicant must produce a clear and specific Statement of Work for the project. For each of the tasks contained in the Description of Agreement Award (refer to Section II Award Information), the applicant must identify and describe specific subtasks, responsible entities, expected completion dates, RMA substantial involvement, and deliverables that will further the purpose of this program. Applicants will obtain a higher score to the extent that the Statement of Work is specific, measurable, reasonable, has specific deadlines for the completion of subtasks, relates directly to the required activities and the program purpose

described in this announcement, which is to provide producers with training and informational opportunities so that the producers will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools. Applicants are required to submit this Statement of Work on Form RME–2.

Partnering—Maximum 15 Points

The applicant must demonstrate experience and capacity to partner with and gain the support of grower organizations, agribusiness professionals, and agricultural leaders to carry out a local program of education and information in a designated RMA Region. The applicant is required to establish a written partnering plan that includes how each partner will aid in carrying out the project goal and purpose stated in this announcement and letters of support stating that the partner has agreed to do this work. The applicant must ensure this plan includes a list of all partners working on the project, their titles, and how they will be contributing to the deliverables listed in the agreement. Applicants will receive higher scores to the extent that they can document and demonstrate: (a) That partnership commitments are in place for the express purpose of delivering the program in this announcement; (b) that a broad group of farmers and ranchers will be reached within the RMA Region; (c) that partners are contributing to the project and involved in recruiting producers to attend the training; (d) that a substantial effort has been made to partner with organizations that can meet the needs of producers; and (e) statements from each partner regarding the number of producers that partner is committed to recruit for the project that would support the estimates specified under the Project Benefits criterion.

Project Management—Maximum 15 Points

The applicant must demonstrate an ability to implement sound and effective project management practices. Higher scores will be awarded to applicants that can demonstrate organizational skills, leadership, and experience in delivering services or programs that assist agricultural producers in the respective RMA Region. The project manager must demonstrate that he/she has the capability to accomplish the project goal and purpose stated in this announcement by (a) having a previous working relationship with the farm community in the designated RMA Region of the application, including being able to recruit approximately the number of producers to be reached in the application and/or (b) having established the capacity to partner with and gain the support of grower organizations, agribusiness professionals, and agribusiness leaders locally to aid in carrying out a program of education and information, including being able to recruit approximately the number of producers to be reached in this application. Applicants that will employ, or have access to, personnel who have experience in directing local educational programs that benefit agricultural producers in the respective RMA Region will receive higher rankings.

Past Performance—Maximum 10 Points

If the applicant has been an awardee of other Federal or other government grants, cooperative agreements, or contracts, the applicant must provide information relating to their past performance in reporting on outputs and outcomes under past or current federal assistance agreements. The applicant must also detail that they have consistently complied with financial and program reporting and auditing requirements. RMA reserves the right to add up to 10 points to applications due to past performance. Applicants with very good past performance will receive a score from 6–10 points. Applicants with acceptable past performance will receive a score from 1–5 points. Applicants with unacceptable past performance will receive a score of minus 5 points for this evaluation factor. Applicants without relevant past performance information will receive a neutral score of the mean number of points of all applicants with past performance. Under this cooperative partnership agreement, RMA will subjectively rate the awardee on project performance as indicated in Section II, G.

The applicant must list all current public or private support to which personnel identified in the application have committed portions of their time, whether or not salary support for persons involved is included in the budget. An application that duplicates or overlaps substantially with an application already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. The projects proposed for funding should be included in the pending section.

Budget Appropriateness and Efficiency—Maximum 15 Points

Applicants must provide a detailed budget summary that clearly explains and justifies costs associated with the project. Applicants will receive higher scores to the extent that they can demonstrate a fair and reasonable use of funds appropriate for the project and a budget that contains the estimated cost of reaching each individual producer. The applicant must provide information factors such as:

- The allowability and necessity for individual cost categories;
- The reasonableness of amounts estimated for necessary costs;
- The basis used for allocating indirect or overhead costs;
- The appropriateness of allocating particular overhead costs to the proposed project as direct costs; and
- The percent of time devoted to the project for all key project personnel identified in the application. Salaries of project personnel should be requested in proportion to the percent of time that they would devote to the project—Note: Cannot exceed 60% of the total project budget. Applicants must list all current public or private support to which personnel identified in the application have committed portions of their time, whether or not salary support for persons involved is included in the budget. Only items or services that are necessary for the successful completion of the project will be funded as permitted under the Act.

B. Review and Selection Process

Applications will be evaluated using a two-part process. First, each application will be screened by RMA personnel to ensure that it meets the requirements in this announcement. Applications that do not meet the requirements of this announcement or are incomplete will not receive further consideration during the next process. Applications that meet announcement requirements will be sorted into the RMA Region in which the applicant proposes to conduct the project and then sorted by project objective listed in Section I (F). These applications will be presented to a review panel for consideration.

Second, the review panel will meet to consider and discuss the merits of each application. The panel will consist of not less than two independent reviewers. Reviewers will be drawn from USDA, other Federal agencies, and others representing public and private organizations, as needed. After considering the merits of all applications within an RMA Region, panel members will score each application according to the criteria and point values listed above. The panel will then rank each application against others within the RMA Region by educational objective listed in Section I

(F) according to the scores received. Those applications will be listed in initial rank order by objective within each RMA Region. The highest-ranking application for each objective will be funded in the order of priority (the highest-ranking application meeting objective 2 will be funded third, etc.) in each RMA Region. Note: Two projects will be funded in objective 1 in each RMA Region. In the event that there no applications that warrant funding in objectives 1–4 or if there are funds remaining, the process will be repeated until the funds are obligated.

A lottery will be used to resolve any instances of a tie score that might have a bearing on funding recommendations. If such a lottery is required, the names of all tied applicants will be entered into a drawing. The first tied applicant drawn will have priority over other tied applicants for funding consideration.

The review panel will report the results of the evaluation to the Manager of FCIC. The panel's report will include the recommended applicants to receive partnership agreements for each RMA Region. Funding will not be provided for an application receiving a score less than 60. Funding will not be provided for an application that is highly similar to a higher-scoring application in the same RMA Region. Highly similar is one that proposes to reach the same producers likely to be reached by another applicant that scored higher by the panel and the same general educational material is proposed to be delivered.

An organization, or group of organizations in partnership, may apply for funding under other FCIC or RMA programs, in addition to the program described in this announcement. However, if the Manager of FCIC determines that an application recommended for funding is sufficiently similar to a project that has been funded or has been recommended to be funded under another RMA or FCIC program, then the Manager may elect to not fund that application in whole or in part. The Manager of FCIC will make the final determination on those applications that will be awarded funding.

VI. Award Administration Information

A. Award Notices

Following approval by the awarding official of RMA of the applications to be selected for funding, project leaders whose applications have been selected for funding will be notified. Within the limit of funds available for such a purpose, the awarding official of RMA shall enter into cooperative partnership agreements with those selected applicants. The agreements provide the amount of Federal funds for use in the project period, the terms and conditions of the award, and the time period for the project. The effective date of the agreement shall be on the date the agreement is executed by both parties and it shall remain in effect for up to one year or through September 30, 2008, whichever is later.

After a cooperative partnership agreement has been signed, RMA will extend to awardees, in writing, the authority to draw down funds for the purpose of conducting the activities listed in the agreement. All funds provided to the awardee by FCIC must be expended solely for the purpose for which the funds are obligated in accordance with the approved agreement and budget, the regulations, the terms and conditions of the award, and the applicability of Federal cost principles. No commitment of Federal assistance beyond the project period is made or implied for any award resulting from this notice.

Notification of denial of funding will be sent to applicants after final funding decisions have been made and the awardees announced publicly. Reasons for denial of funding can include, but are not limited to, incomplete applications, applications with evaluation scores that are lower than other applications in an RMA Region, or applications that propose to deliver education to groups of producers in an RMA Region that are largely similar to groups reached in a higher ranked application.

B. Administrative and National Policy Requirements

1. Requirement to Use Program Logo

Awardees will be required to use a program logo and design provided by RMA for all instructional and promotional materials.

2. Requirement to Provide Project Information to an RMA-selected Representative

Awardees will be required to assist RMA in evaluating the effectiveness of its educational programs by providing documentation of educational activities and related information to any representative selected by RMA for program evaluation purposes.

3. Private Crop Insurance Organizations and Potential Conflicts of Interest

Private organizations that are involved in the sale of Federal crop insurance, or that have financial ties to such organizations, are eligible to apply for funding under this announcement. However, such entities will not be allowed to receive funding to conduct activities that would otherwise be required under a Standard Reinsurance Agreement or any other agreement in effect between FCIC and the entity. Also, such entities will not be allowed to receive funding to conduct activities that could be perceived by producers as promoting one company's services or products over another's. If applying for funding, such organizations are encouraged to be sensitive to potential conflicts of interest and to describe in their application the specific actions they will take to avoid actual and perceived conflicts of interest.

4. Access to Panel Review Information

Upon written request from the applicant, scores from the evaluation panel, not including the identity of reviewers, will be sent to the applicant after the review and awards process has been completed.

5. Confidential Aspects of Applications and Awards

The names of applicants, the names of individuals identified in the applications, the content of applications, and the panel evaluations of applications will all be kept confidential, except to those involved in the review process, to the extent permitted by law. In addition, the identities of review panel members will remain confidential throughout the entire review process and will not be released to applicants. At the end of the fiscal year, names of panel members will be made available. However, panelists will not be identified with the review of any particular application. When an application results in a partnership agreement, that agreement becomes a part of the official record of RMA transactions, available to the public upon specific request. Information that the Secretary of Agriculture determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to be considered confidential, privileged, or proprietary should be clearly marked within an application, including the basis for such designation. The original copy of a application that does not result in an award will be retained by RMA for a period of one year. Other copies will be destroyed. Copies of applications not receiving awards will be released only with the express written consent of the applicant or to the extent required by law. An application may be withdrawn at any time prior to award.

6. Audit Requirements

Awardees are subject to audit.

7. Prohibitions and Requirements with Regard to Lobbying

Section 1352 of Public Law 101–121, enacted on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on awardees of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian Tribes and tribal organizations. Current and prospective awardees and any subcontractors, are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement, or loan. In addition, for each award action in excess of $100,000 ($150,000 for loans) the law requires awardees and any subcontractors: (1) To certify that they have neither used nor will use any appropriated funds for payment of lobbyists; (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom awardees of their subcontractors will pay with profits or other non-appropriated funds on or after December 22, 1989; and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for non-compliance. A copy of the certification and disclosure forms must be submitted with the application and are available at the address and telephone number listed in Section VII. Agency Contact.

8. Applicable OMB Circulars

All cooperative partnership agreements funded as a result of this notice will be subject to the requirements contained in all applicable OMB circulars.

9. Requirement to Assure Compliance with Federal Civil Rights Laws

Project leaders of all cooperative partnership agreements funded as a result of this notice are required to know and abide by Federal civil rights laws and to assure USDA and RMA that the awardee is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), 7 CFR Part 15, and USDA regulations promulgated thereunder, 7 CFR 1901.202. RMA requires that awardees submit an Assurance Agreement (Civil Rights), assuring RMA of this compliance prior to the beginning of the project period.

10. Requirement to Participate in a Post Award Conference

RMA requires that project leaders attend a post award conference to become fully aware of agreement requirements and for delineating the roles of RMA personnel and the procedures that will be followed in administering the agreement and will afford an opportunity for the orderly transition of agreement duties and obligations if different personnel are to assume post-award responsibility. In their applications, applicants should budget for possible travel costs associated with attending this conference.

11. Requirement to Submit Educational Materials to the National AgRisk Education Library

RMA requires that project leaders upload digital copies of all risk management educational materials developed because of the project to the National AgRisk Education Library (*http://www.agrisk.umn.edu/*) for posting. RMA will be clearly identified as having provided funding for the materials.

C. Reporting Requirements

Awardees will be required to submit quarterly progress reports, quarterly financial reports (OMB Standard Form 269), and quarterly Activity Logs (Form RME–3) throughout the project period, as well as a final program and financial report not later than 90 days after the end of the project period.

Awardees will be required to submit prior to the award:

- A completed and signed Form RD 400–4, Assurance Agreement (Civil Rights).
- A completed and signed OMB Standard Form LLL, ''Disclosure of Lobbying Activities.''
- A completed and signed AD–1047, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions.''
- A completed and signed AD–1049, ''Certification Regarding Drug-Free Workplace.''
- A completed and signed Faith-Based Survey on EEO.

VII. Agency Contact

For Further Information Contact: Applicants and other interested parties are encouraged to contact: Lon Burke, USDA–RMA–RME, 1400 Independence Ave. SW, Stop 0808, Room 5720, Washington, DC 20250–0808, phone: 202–720–5265, fax: 202–690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov*. You may also obtain information regarding this announcement from the RMA Web site at: *http://www.rma.usda.gov/aboutrma/agreements*.

VIII. Other Information

A. Dun and Bradstreet Data Universal Numbering System (DUNS)

A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 70 million businesses worldwide. The Office of Management and Budget published a notice of final policy issuance in the **Federal Register** June 27, 2003 (68 FR 38402) that requires a DUNS number in every application (i.e., hard copy and electronic) for a grant or cooperative agreement on or after October 1, 2003. Therefore, potential applicants should verify that they have a DUNS number or take the steps needed to obtain one. For information about how to obtain a DUNS number, go to *http://www.grants.gov*. Please note that the registration may take up to 14 business days to complete.

B. Required Registration With the Central Contract Registry for Submission of Proposals

The Central Contract Registry (CCR) is a database that serves as the primary Government repository for contractor information required for the conduct of business with the Government. This database will also be used as a central location for maintaining organizational information for organizations seeking and receiving grants from the Government. Such organizations must register in the CCR prior to the submission of applications. A DUNS number is needed for CCR registration. For information about how to register in the CCR, visit ''Get Started'' at the Web site, *http://www.grants.gov*. Allow a minimum of 5 business days to complete the CCR registration.

C. Related Programs

Funding availability for this program may be announced at approximately the same time as funding availability for similar but separate programs—CFDA No. 10.455 (Community Outreach and Assistance Partnerships), CFDA No. 10.456 (Risk Management Research Partnerships), CFDA No. 10.458 (Crop Insurance Education in Targeted States), and CFDA No. 10.459 (Commodity Partnerships Small Sessions Program). These programs have some similarities, but also key differences. The differences stem from important features of each program's authorizing legislation and different RMA objectives. Prospective applicants should carefully examine

and compare the notices for each program.

Signed in Washington, DC on March 1, 2007.

James Callan,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. E7–4080 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Commodity Partnerships for Small Agricultural Risk Management Education Sessions (Commodity Partnerships Small Sessions Program)

Announcement Type: Announcement of Availability of Funds and Request for Application for Competitive Cooperative Partnership Agreements.

Catalog of Federal Domestic Assistance Number (CFDA): 10.459.

Dates: Applications are due 5 p.m. EDT, April 23, 2007.

Summary: The Federal Crop Insurance Corporation (FCIC), operating through the Risk Management Agency (RMA), announces the availability of approximately $500,000 for Commodity Partnerships for Small Agricultural Risk Management Education Sessions (the Commodity Partnerships Small Sessions Program). The purpose of this cooperative partnership agreement program is to deliver training and information in the management of production, marketing, and financial risk to U.S. agricultural producers. The program gives priority to educating producers of crops currently not insured under Federal crop insurance, specialty crops, and underserved commodities, including livestock and forage. A maximum of 50 cooperative partnership agreements will be funded, with no more than five in each of the ten designated RMA Regions. The maximum award for any cooperative partnership agreement will be $10,000. Awardees must demonstrate non-financial benefits from a cooperative partnership agreement and must agree to the substantial involvement of RMA in the project. Funding availability for this program may be announced at approximately the same time as funding availability for similar but separate programs—CFDA No. 10.455 (Community Outreach and Assistance Partnerships), CFDA No. 10.456 (Risk Management Research Partnerships), CFDA No. 10.457 (Commodity Partnerships for Risk Management Education), and CFDA No. 10.458 (Crop Insurance Education in Targeted States). Prospective applicants should carefully examine and compare the notices for each program.

This Announcement Consists of Eight Sections

Section I—Funding Opportunity Description
- A. Legislative Authority
- B. Background
- C. Definition of Priority Commodities
- D. Project Goal
- E. Purpose

Section II—Award Information
- A. Type of Award
- B. Funding Availability
- C. Location and Target Audience
- D. Maximum Award
- E. Project Period
- F. Description of Agreement Awardee Tasks
- G. RMA Activities
- H. Other Tasks

Section III—Eligibility Information
- A. Eligible Applicants
- B. Cost Sharing or Matching
- C. Other—Non-Financial Benefits

Section IV—Application and Submission Information
- A. Address to Submit an Application Package
- B. Content and Form of Application Submission
- C. Submission Dates and Times
- D. Intergovernmental Review
- E. Funding Restrictions
- F. Limitation on Use of Project Funds for Salaries and Benefits
- G. Indirect Cost Rates
- H. Other Submission Requirements
- I. Electronic submissions
- J. Acknowledgement of Applications

Section V—Application Review Process
- A. Criteria
- B. Selection and Review Process

Section VI—Award Administration
- A. Award Notices
- B. Administrative and National Policy Requirements
  - 1. Requirement to Use Program Logo
  - 2. Requirement to Provide Project Information to an RMA-selected Representative
  - 3. Private Crop Insurance Organizations and Potential Conflict of Interest
  - 4. Access to Panel Review Information
  - 5. Confidential Aspects of Applications and Awards
  - 6. Audit Requirements
  - 7. Prohibitions and Requirements Regarding Lobbying
  - 8. Applicable OMB Circulars
  - 9. Requirement to Assure Compliance with Federal Civil Rights Laws
  - 10. Requirement to Participate in a Post Award Conference
  - 11. Requirement to Submit Educational Materials to the National AgRisk Education Library
- C. Reporting Requirements

Section VII—Agency Contact

Section VIII—Additional Information
- A. Dun and Bradstreet Data Universal Numbering System (DUNS)
- B. Required Registration with the Central Contract Registry for Submission of Proposals
- C. Related Programs

Full Text of Announcement

I. Funding Opportunity Description

A. Legislative Authority

The Commodity Partnerships Small Sessions Program is authorized under section 522(d)(3)(F) of the Federal Crop Insurance Act (Act) (7 U.S.C. 1522(d)(3)(F).

B. Background

RMA promotes and regulates sound risk management solutions to improve the economic stability of American agriculture. On behalf of FCIC, RMA does this by offering Federal crop insurance products through a network of private-sector partners, overseeing the creation of new risk management products, seeking enhancements in existing products, ensuring the integrity of crop insurance programs, offering outreach programs aimed at equal access and participation of underserved communities, and providing risk management education and information.

One of RMA's strategic goals is to ensure that its customers are well informed as to the risk management solutions available. This educational goal is supported by section 522(d)(3)(F) of the Act, which authorizes FCIC funding for risk management training and informational efforts for agricultural producers through the formation of partnerships with public and private organizations. With respect to such partnerships, priority is to be given to reaching producers of Priority Commodities, as defined below.

C. Definition of Priority Commodities

For purposes of this program, Priority Commodities are defined as:

- *Agricultural commodities covered by (7 U.S.C. 7333).* Commodities in this group are commercial crops that are not covered by catastrophic risk protection crop insurance, are used for food or fiber (except livestock), and specifically include, but are not limited to, floricultural, ornamental nursery, Christmas trees, turf grass sod, aquaculture (including ornamental fish), and industrial crops.
- *Specialty crops.* Commodities in this group may or may not be covered under a Federal crop insurance plan and include, but are not limited to, fruits, vegetables, tree nuts, syrups, honey, roots, herbs, and highly specialized varieties of traditional crops.
- *Underserved commodities.* This group includes: (a) commodities, including livestock and forage, that are covered by a Federal crop insurance plan but for which participation in an

area is below the national average; and (b) commodities, including livestock and forage, with inadequate crop insurance coverage.

A project is considered as giving priority to Priority Commodities if the majority of the educational activities of the project are directed to producers of any of the three classes of commodities listed above or any combination of the three classes.

D. Project Goal

The goal of this program is to ensure that ''* * * producers will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools''.

E. Purpose

The purpose of the Commodity Partnership Small Session Program is to provide U.S. farmers and ranchers with training and informational opportunities to be able to understand:

- The kinds of risks addressed by existing and emerging risk management tools;
- the features and appropriate use of existing and emerging risk management tools; and
- how to make sound risk management decisions.

II. Award Information

A. Type of Award

Cooperative Partnership Agreements, which require the substantial involvement of RMA.

B. Funding Availability

Approximately $500,000 is available in fiscal year 2007 to fund up to 50 cooperative partnership agreements. The maximum award for any agreement will be $10,000. It is anticipated that a maximum of five agreements will be funded in each of the ten designated RMA Regions.

In the event that all funds available for this program are not obligated after the maximum number of agreements are awarded or if additional funds become available, these funds may, at the discretion of the Manager of FCIC, be used to award additional applications that score highly by the technical review panel or allocated pro-rata to awardees for use in broadening the size or scope of awarded projects if agreed to by the awardee. In the event that the Manager of FCIC determines that available RMA resources cannot support the administrative and substantial involvement requirements of all agreements recommended for funding, the Manager may elect to fund fewer agreements than the available funding might otherwise allow. It is expected that the awards will be made approximately 60 days after the application deadline. All awards will be made and agreements finalized no later than September 30, 2007.

C. Location and Target Audience

RMA Regional Offices and the States serviced within each Region are listed below. Staff from the respective RMA Regional Offices will provide substantial involvement for projects conducted within the Region.

Billings, MT Regional Office: (MT, ND, SD, and WY)

Davis, CA Regional Office: (AZ, CA, HI, NV, and UT)

Jackson, MS Regional Office: (AR, KY, LA, MS, and TN)

Oklahoma City, OK Regional Office: (NM, OK, and TX)

Raleigh, NC Regional Office: (CT, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, VA, VT, and WV)

Spokane, WA Regional Office: (AK, ID, OR, and WA)

Springfield, IL Regional Office: (IL, IN, MI, and OH)

St. Paul, MN Regional Office: (IA, MN, and WI)

Topeka, KS Regional Office: (CO, KS, MO, and NE)

Valdosta, GA Regional Office: (AL, FL, GA, SC, and Puerto Rico)

Applicants must clearly designate in their application narratives the RMA Region where educational activities will be conducted and the specific groups of producers within the region that the applicant intends to reach through the project. Priority will be given to producers of Priority Commodities. Applicants proposing to conduct educational activities in more than one RMA Region must submit a separate application for each RMA Region. Single applications proposing to conduct educational activities in more than one RMA Region will be rejected.

D. Maximum Award

Any application that requests Federal funding of more than $10,000 for a project will be rejected. RMA also reserves the right to fund successful applications at an amount less than requested if it is judged that the application can be implemented at a lower funding level.

E. Project Period

Projects will be funded for a period of up to one year from the project starting date.

F. Description of Agreement Award

Awardee Tasks

In conducting activities to achieve the purpose and goal of this program in a designated RMA Region, the awardee will be responsible for performing the following tasks:

- Develop and conduct a promotional program. This program will include activities using media, newsletters, publications, or other appropriate informational dissemination techniques that are designed to: (a) Raise awareness for risk management; (b) inform producers of the availability of risk management tools; and (c) inform producers and agribusiness leaders in the designated RMA Region of training and informational opportunities.
- Deliver risk management training and informational opportunities to agricultural producers and agribusiness professionals in the designated RMA Region. This will include organizing and delivering educational activities using the instructional materials that have been assembled to meet the local needs of agricultural producers. Activities should be directed primarily to agricultural producers, but may include those agribusiness professionals that have frequent opportunities to advise producers on risk management tools and decisions.
- Document all educational activities conducted under the cooperative partnership agreement and the results of such activities, including criteria and indicators used to evaluate the success of the program. The awardee will also be required to provide information to an RMA-selected contractor to evaluate all educational activities and advise RMA as to the effectiveness of activities.

G. RMA Activities

FCIC, working through RMA, will be substantially involved during the performance of the funded project through RMA's ten Regional Offices. Potential types of substantial involvement may include, but are not limited to the following activities.

- Assist in the selection of subcontractors and project staff.
- Collaborate with the awardee in assembling, reviewing, and approving risk management materials for producers in the designated RMA Region.
- Collaborate with the awardee in reviewing and approving a promotional program for raising awareness for risk management and for informing producers of training and informational opportunities in the RMA Region.
- Collaborate with the awardee on the delivery of education to producers and

agribusiness leaders in the RMA Region. This will include: (a) Reviewing and approving in advance all producer and agribusiness leader educational activities; (b) advising the project leader on technical issues related to crop insurance education and information; and (c) assisting the project leader in informing crop insurance professionals about educational activity plans and scheduled meetings.

- Conduct an evaluation of the performance of the awardee in meeting the deliverables of the project.

Applications that do not contain substantial involvement by RMA will be rejected.

H. Other Tasks

In addition to the specific, required tasks listed above, the applicant may propose additional tasks that would contribute directly to the purpose of this program. For any proposed additional task, the applicant must identify the objective of the task, the specific subtasks required to meet the objective, specific time lines for performing the subtasks, and the specific responsibilities of partners. The applicant must also identify specific ways in which RMA would have substantial involvement in the proposed project task.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants include State departments of agriculture, universities, non-profit agricultural organizations, and other public or private organizations with the capacity to lead a local program of risk management education for farmers and ranchers in an RMA Region. Individuals are not eligible applicants. Although an applicant may be eligible to compete for an award based on its status as an eligible entity, other factors may exclude an applicant from receiving Federal assistance under this program governed by Federal law and regulations (e.g. debarment and suspension; a determination of non-performance on a prior contract, cooperative agreement, grant or cooperative partnership; a determination of a violation of applicable ethical standards; a determination of being considered ''high risk''). Applications from ineligible or excluded persons will be rejected in their entirety.

B. Cost Sharing or Matching

Although RMA prefers cost sharing by the applicant, this program has neither a cost sharing nor a matching requirement.

C. Other—Non-financial Benefits

To be eligible, applicants must also be able to demonstrate that they will receive a non-financial benefit as a result of a cooperative partnership agreement. Non-financial benefits must accrue to the applicant and must include more than the ability to provide employment income to the applicant or for the applicant's employees or the community. The applicant must demonstrate that performance under the cooperative partnership agreement will further the specific mission of the applicant (such as providing research or activities necessary for graduate or other students to complete their educational program). Applications that do not demonstrate a non-financial benefit will be rejected.

IV. Application and Submission Information

A. Contact to Request Application Package

Program application materials for the Commodity Partnerships Program under this announcement may be downloaded from *http://www.rma.usda.gov/aboutrma/agreements.* Applicants may also request application materials from: Lon Burke, USDA–RMA–RME, phone: (202) 720–5265, fax: (202) 690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov.*

B. Content and Form of Application Submission

A complete and valid application package must include an electronic copy (Microsoft Word format preferred) of the narrative portion (Forms RME 1 and RME–2) of the application package on a compact disc and an original and two copies of the completed and signed application must be submitted in one package at the time of initial submission, which must include the following:

1. A completed and signed OMB Standard Form 424, ''Application for Federal Assistance''.
2. A completed and signed OMB Standard Form 424–A, ''Budget Information—Non-construction Programs''. Federal funding requested (the total of direct and indirect costs) must not exceed $10,000.
3. A completed and signed OMB Standard Form 424–B, ''Assurances, Non-constructive Programs''.
4. Risk Management Education Project Narrative (Form RME–1). Complete all required parts of Form RME–1:

Part I—Title Page

Part II—A written narrative of no more than 5 single-sided pages which will provide reviewers with sufficient information to effectively evaluate the merits of the application according to the evaluation criteria listed in this notice. Although a Statement of Work, which is the third evaluation criterion, is to be completed in detail in RME Form–2, applicants may wish to highlight certain unique features of the Statement of Work in Part II for the benefit of the evaluation panel. If your narrative exceeds the page limit, only the first 2 pages will be reviewed.

- No smaller than 12-point font size.
- Use an easily readable font face (e.g., Arial, Geneva, Helvetica, Times Roman).
- 8.5 by 11 inch paper
- One-inch margins on each page.
- Printed only on one side of paper.
- Unbound, held together only by rubber bands or metal clips; not bound or stapled in any other way

Part III—A Budget Narrative, describing how the categorical costs listed on SF 424–A are derived. The budget narrative should provide enough detail for reviewers to easily understand how costs were determined and how they relate to the goals and objectives of the project.

Part IV—Provide a ''Statement of Non-financial Benefits''. (Refer to Section III, Eligibility Information, above).

5. ''Statement of Work'', Form RME–2, which identifies tasks and subtasks in detail, expected completion dates and deliverables, and RMA's substantial involvement role for the proposed project.

Applications that do not include items 1–5 above will be considered incomplete and will not receive further consideration and will be rejected.

C. Submission Dates and Times

Applications Deadline: 5 p.m. EDT, May 7, 2007. Applicants are responsible for ensuring that RMA receives a complete application package by the closing date and time. USPS mail sent to Washington DC headquarters is sanitized offsite, which may result in delays, loss, and physical damage to enclosures. Regardless of the delivery method you choose, please do so sufficiently in advance of the due date to ensure your application package is received on or before the deadline. It is your responsibility to meet the due date and time. Emailed and faxed applications will not be accepted. Late application packages will not receive further consideration and will be rejected.

D. Intergovernmental Review

Not applicable.

E. Funding Restrictions

Cooperative partnership agreement funds may not be used to:

a. Plan, repair, rehabilitate, acquire, or construct a building or facility including a processing facility;

b. Purchase, rent, or install fixed equipment;

c. Repair or maintain privately owned vehicles;

d. Pay for the preparation of the cooperative partnership agreement application;

e. Fund political activities;

f. Alcohol, food, beverage or entertainment;

g. Pay costs incurred prior to receiving a cooperative partnership agreement;

h. Fund any activities prohibited in 7 CFR Parts 3015 and 3019, as applicable.

F. Limitation on Use of Project Funds for Salaries and Benefits

Total costs for salary and benefits allowed for projects under this announcement will be limited to not more than 60 percent reimbursement of the funds awarded under the cooperative partnership agreement as indicated in Section III. Eligibility Information, C. Other—Non-financial Benefits. One goal of the Commodity Partnerships Small Sessions Program is to maximize the use of the limited funding available for risk management education for producers of Priority Commodities. In order to accomplish this goal, RMA needs to ensure that the maximum amount of funds practicable is used for directly providing the educational opportunities. Limiting the amount of funding for salaries and benefits will allow the limited amount of funding to reach the maximum number of farmers and ranchers.

G. Indirect Cost Rates

a. Indirect costs allowed for projects submitted under this announcement will be limited to ten (10) percent of the total direct cost of the cooperative partnership agreement. Therefore, when preparing budgets, applicants should limit their requests for recovery of indirect costs to the lesser of their institution's official negotiated indirect cost rate or 10 percent of the total direct costs.

b. RMA will withhold all indirect cost rate funds for an award to an applicant requesting indirect costs if the applicant has not negotiated an indirect cost rate with its cognizant Federal agency.

c. If an applicant is in the process of negotiating an indirect cost rate with its cognizant Federal agency, RMA will withhold all indirect cost rate funds from that applicant until the indirect cost rate has been established.

d. If an applicant's indirect cost rate has expired or will expire prior to award announcements, a clear statement on renegotiation efforts must be included in the application.

e. It is incumbent on all applicants to have a current indirect cost rate or begin negotiations to establish an indirect cost rate prior to the submission deadline. Because it may take several months to obtain an indirect cost rate, applicants needing an indirect cost rate are encouraged to start work on establishing these rates well in advance of submitting an application. The U.S. Office of Management and Budget (OMB) is responsible for assigning cognizant Federal agencies.

f. Applicants may be asked to provide a copy of their indirect cost rate negotiated with their cognizant agency.

g. RMA reserves the right to negotiate final budgets with successful applicants.

H. Other Submission Requirements

Mailed submissions: Applications submitted through express, overnight mail or another delivery service will be considered as meeting the announced deadline if they are received in the mailroom at the address stated below for express, overnight mail or another delivery service on or before the deadline. Applicants are cautioned that express, overnight mail or other delivery services do not always deliver as agreed. Applicants should take this into account because failure of such delivery services will not extend the deadline. Mailed applications will be considered as meeting the announced deadline if they are received on or before the deadline in the mailroom at the address stated below for mailed applications. Applicants are responsible for mailing applications well in advance, to ensure that applications are received on or before the deadline time and date. Applicants using the U.S. Postal Service should allow for the extra security handling time for delivery due to the additional security measures that mail delivered to government offices in the Washington DC area requires.

Address when using private delivery services or when hand delivering: Attention: Risk Management Education Program, USDA/RMA/RME, Room 5720, South Building, 1400 Independence Avenue, SW., Washington, DC 20250.

Address when using U.S. Postal Service: Attention: Risk Management Education Program, USDA/RMA/RME/Stop 0808, Room 5720, South Building, 1400 Independence Avenue, SW., Washington, DC 20250–0808.

I. Electronic Submissions

Applications transmitted electronically via Grants.gov will be accepted prior to the application date or time deadline. The application package can be accessed via Grants.gov, go to *http://www.grants.gov*, click on ''Find Grant Opportunities'', click on ''Search Grant Opportunities,'' and enter the CFDA number (beginning of the RFA) to search by CFDA number. From the search results, select the item that correlates to the title of this RFA. If you do not have electronic access to the RFA or have trouble downloading material and you would like a hardcopy, you may contact Lon Burke, USDA–RMA–RME, phone: (202) 720–5265, fax: (202) 690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov.*

If assistance is needed to access the application package via Grants.gov (e.g., downloading or navigating PureEdge forms, using PureEdge with a Macintosh computer), refer to resources available on the Grants.gov Web site first (*http://www.grants.gov*). Grants.gov assistance is also available as follows:

- Grants.gov customer support, Toll Free: 1–800–518–4726, Business Hours: M–F 7 a.m.—9 p.m. Eastern Standard Time, E-mail: *support@grants.gov.*

Applicants who submit their applications via the Grants.gov Website are not required to submit any hard copy documents to RMA.

When using Grants.gov to apply, RMA strongly recommends that you submit the online application at least two weeks prior to the application due date in case there are problems with the Grants.gov Website and you want to submit your application via a mail delivery service.

J. Acknowledgement of Applications

Receipt of applications will be acknowledged by e-mail, whenever possible. Therefore, applicants are encouraged to provide e-mail addresses in their applications. If an e-mail address is not indicated on an application, receipt will be acknowledged by letter. There will be no notification of incomplete, unqualified or unfunded applications until after the awards have been made. When received by RMA, applications will be assigned an identification number. This number will be communicated to applicants in the acknowledgement of receipt of applications. An application's identification number should be referenced in all correspondence regarding the application. If the

applicant does not receive an acknowledgement within 15 days of the submission deadline, the applicant should notify RMA's point of contact indicated in Section VII, Agency Contact.

V. Application Review Information

A. Criteria

Applications submitted under the Commodity Partnerships Small Sessions Program will be evaluated within each RMA Region according to the following criteria:

Priority—Maximum 10 Points

The applicant can submit projects that are not related to Priority Commodities. However, priority will be given to projects relating to Priority Commodities and the degree in which such projects relate to the Priority Commodities. Projects that relate solely to Priority Commodities will be eligible for the most points.

Project Benefits—Maximum 25 Points

The applicant must demonstrate that the project benefits to farmers and ranchers warrant the funding requested. Applicants will be scored according to the extent they can: (a) Reasonably estimate the number of producers reached through the various educational activities described in the Statement of Work; (b) justify such estimates with clear specifics; (c) identify the actions producers will likely be able to take as a result of the activities described in the Statement of Work; and (d) identify the specific measures for evaluating results that will be employed in the project. Reviewers' scoring will be based on the scope and reasonableness of the applicant's estimates of producers reached through the project, clear descriptions of specific expected project benefits, and well-designed methods for measuring the project's results and effectiveness.

Statement of Work—Maximum 15 Points

The applicant must produce a clear and specific Statement of Work for the project. For each of the tasks contained in the Description of Agreement Award (refer to Section II Award Information), the applicant must identify and describe specific subtasks, responsible entities, expected completion dates, RMA substantial involvement, and deliverables that will further the purpose of this program. Applicants will obtain a higher score to the extent that the Statement of Work is specific, measurable, reasonable, has specific deadlines for the completion of subtasks, and relates directly to the required activities and the program purpose described in this announcement, which is to provide producers with training and informational opportunities so that the producers will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools. Applicants are required to submit this Statement of Work on Form RME–2.

Project Management—Maximum 15 Points

The applicant must demonstrate an ability to implement sound and effective project management practices. Higher scores will be awarded to applicants that can demonstrate organizational skills, leadership, and experience in delivering services or programs that assist agricultural producers in the respective RMA Region. The project manager must demonstrate that he/she has the capability to accomplish the project goal and purpose stated in this announcement by (a) having a previous working relationship with the farm community in the designated RMA Region of the application, including being able to recruit approximately the number of producers to be reached in the application and/or (b) having established the capacity to partner with and gain the support of grower organizations, agribusiness professionals, and agribusiness leaders locally to aid in carrying out a program of education and information, including being able to recruit approximately the number of producers to be reached in this application. Applicants that will employ, or have access to, personnel who have experience in directing local educational programs that benefit agricultural producers in the respective RMA Region will receive higher rankings.

Past Performance—Maximum 10 Points

If the applicant has been an awardee of other Federal or other government grants, cooperative agreements, or contracts, the applicant must provide information relating to their past performance in reporting on outputs and outcomes under past or current federal assistance agreements. The applicant must also detail that they have consistently complied with financial and program reporting and auditing requirements. RMA reserves the right to add up to 10 points and subtract 5 points to applications due to past performance. Applicants with very good past performance will receive a score from 6–10 points. Applicants with acceptable past performance will receive a score from 1–5 points. Applicants with unacceptable past performance will receive a score of minus 5 points for this evaluation factor. Applicants without relevant past performance information will receive a neutral score of the mean number of points of all applicants with past performance. Under this cooperative partnership agreement, RMA will subjectively rate the awardee on project performance as indicated in Section II, G. The applicant must list all current public or private support to which personnel identified in the application have committed portions of their time, whether or not salary support for persons involved is included in the budget. An application that duplicates or overlaps substantially with an application already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. The projects proposed for funding should be included in the pending section.

Budget Appropriateness and Efficiency—Maximum 15 Points

Applicants must provide a detailed budget summary that clearly explains and justifies costs associated with the project. Applicants will receive higher scores to the extent that they can demonstrate a fair and reasonable use of funds appropriate for the project and a budget that contains the estimated cost of reaching each individual producer. The applicant must provide information factors such as:

- The allowability and necessity for individual cost categories;
- The reasonableness of amounts estimated for necessary costs;
- The basis used for allocating indirect or overhead costs;
- The appropriateness of allocating particular overhead costs to the proposed project as direct costs; and
- The percent of time devoted to the project for all key project personnel identified in the application. Salaries of project personnel should be requested in proportion to the percent of time that they would devote to the project—Note: cannot exceed 60% of the total project budget. Applicants must list all current public or private support to which personnel identified in the application have committed portions of their time, whether or not salary support for persons involved is included in the budget. Only items or services that are necessary for the successful completion of the project will be funded as permitted under the Act.

B. Review and Selection Process

Applications will be evaluated using a two-part process. First, each

application will be screened by RMA personnel to ensure that it meets the requirements in this announcement. Applications that do not meet the requirements of this announcement or that are incomplete will not receive further consideration during the next process. Applications that meet announcement requirements will be sorted into the RMA Region in which the applicant proposes to conduct the project and will be presented to a review panel for consideration.

Second, the review panel will meet to consider and discuss the merits of each application. The panel will consist of not less than two independent reviewers. Reviewers will be drawn from USDA, other Federal agencies, and others representing public and private organizations, as needed. After considering the merits of all applications within an RMA Region, panel members will score each application according to the criteria and point values listed above. The panel will then rank each application against others within the RMA Region according to the scores received. A lottery will be used to resolve any instances of a tie score that might have a bearing on funding recommendations. If such a lottery is required, the names of all tied applicants will be entered into a drawing. The first tied applicant drawn will have priority over other tied applicants for funding consideration.

The review panel will report the results of the evaluation to the Manager of FCIC. The panel's report will include the recommended applicants to receive cooperative partnership agreements for each RMA Region. Funding will not be provided for an application receiving a score less than 45. Funding will not be provided for an application that is highly similar to a higher-scoring application in the same RMA Region. Highly similar is one that proposes to reach the same producers likely to be reached by another applicant that scored higher by the panel and the same general educational material is proposed to be delivered.

An organization, or group of organizations in partnership, may apply for funding under other FCIC or RMA programs, in addition to the program described in this announcement. However, if the Manager of FCIC determines that an application recommended for funding is sufficiently similar to a project that has been funded or has been recommended to be funded under another RMA or FCIC program, then the Manager may elect to not fund that application in whole or in part. The Manager of FCIC will make the final determination on those applications that will be awarded funding.

VI. Award Administration Information

A. Award Notices

Following approval by the awarding official of RMA of the applications to be selected for funding, project leaders whose applications have been selected for funding will be notified. Within the limit of funds available for such a purpose, the awarding official of RMA shall enter into cooperative partnership agreements with those selected applicants. The agreements provide the amount of Federal funds for use in the project period, the terms, and conditions of the award, and the time period for the project. The effective date of the agreement shall be on the date the agreement is executed by both parties and it shall remain in effect for up to one year or through September 30, 2008, whichever is later.

After a partnership agreement has been signed, RMA will extend to awardees, in writing, the authority to draw down funds for the purpose of conducting the activities listed in the agreement. All funds provided to the applicant by FCIC must be expended solely for the purpose for which the funds are obligated in accordance with the approved agreement and budget, the regulations, the terms and conditions of the award, and the applicability of Federal cost principles. No commitment of Federal assistance beyond the project period is made or implied for any award resulting from this notice.

Notification of denial of funding will be sent to applicants after final funding decisions have been made and the awardees announced publicly. Reasons for denial of funding can include, but are not limited to, incomplete applications, applications with evaluation scores that are lower than other applications in an RMA Region, or applications that are highly similar to a higher-scoring application in the same RMA Region. Highly similar is an application that proposes to reach the same producers likely to be reached by another applicant that scored higher by the panel and the same general educational material is proposed to be delivered.

B. Administrative and National Policy Requirements

1. Requirement To Use Program Logo

Applicants awarded cooperative partnership agreements will be required to use a program logo and design provided by RMA for all instructional and promotional materials.

2. Requirement To Provide Project Information to an RMA-Selected Contractor

Applicants awarded cooperative partnership agreements may be required to assist RMA in evaluating the effectiveness of its educational programs by providing documentation of educational activities and related information to any contractor selected by RMA for program evaluation purposes.

3. Private Crop Insurance Organizations and Potential Conflicts of Interest

Private organizations that are involved in the sale of Federal crop insurance, or that have financial ties to such organizations, are eligible to apply for funding under this announcement. However, such entities will not be allowed to receive funding to conduct activities that would otherwise be required under a Standard Reinsurance Agreement or any other agreement in effect between FCIC and the entity. Also, such entities will not be allowed to receive funding to conduct activities that could be perceived by producers as promoting one company's services or products over another's. If applying for funding, such organizations are encouraged to be sensitive to potential conflicts of interest and to describe in their application the specific actions they will take to avoid actual and perceived conflicts of interest.

4. Access to Panel Review Information

Upon written request from the applicant, scores from the evaluation panel, not including the identity of reviewers, will be sent to the applicant after the review and awards process has been completed.

5. Confidential Aspects of Applications and Awards

The names of applicants, the names of individuals identified in the applications, the content of applications, and the panel evaluations of applications will all be kept confidential, except to those involved in the review process, to the extent permitted by law. In addition, the identities of review panel members will remain confidential throughout the entire review process and will not be released to applicants. At the end of the fiscal year, names of panel members will be made available. However, panelists will not be identified with the review of any particular application. When an application results in a partnership agreement, that agreement becomes a part of the official record of RMA transactions, available to the public upon specific request.

Information that the Secretary of Agriculture determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to be considered confidential, privileged, or proprietary should be clearly marked within an application, including the basis for such designation. The original copy of an application that does not result in an award will be retained by RMA for a period of one year. Other copies will be destroyed. Copies of applications not receiving awards will be released only with the express written consent of the applicant or to the extent required by law. An application may be withdrawn at any time prior to award.

6. Audit Requirements

Applicants awarded cooperative partnership agreements are subject to audit.

7. Prohibitions and Requirements With Regard to Lobbying

Section 1352 of Public Law 101–121, enacted on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on awardees of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian Tribes and tribal organizations. Current and prospective awardees, and any subcontractors, are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement, or loan. In addition, for each award action in excess of $100,000 ($150,000 for loans) the law requires awardees and any subcontractors: (1) To certify that they have neither used nor will use any appropriated funds for payment of lobbyists; (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom awardees of their subcontractors will pay with profits or other non-appropriated funds on or after December 22, 1989; and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for non-compliance. A copy of the certification and disclosure forms must be submitted with the application, are available at the address, and telephone number listed in Section VII. Agency Contact.

8. Applicable OMB Circulars

All partnership agreements funded as a result of this notice will be subject to the requirements contained in all applicable OMB circulars.

9. Requirement To Assure Compliance With Federal Civil Rights Laws

Awardees of all cooperative partnership agreements funded as a result of this notice are required to know and abide by Federal civil rights laws and to assure USDA and RMA that the awardee is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), 7 CFR Part 15, and USDA regulations promulgated thereunder, 7 CFR 1901.202. RMA requires awardees to submit Form RD 400–4, Assurance Agreement (Civil Rights), assuring RMA of this compliance prior to the beginning of the project period.

10. Requirement To Participate in a Post Award Teleconference

RMA requires that project leaders participate in a post award teleconference to become fully aware of agreement requirements and for delineating the roles of RMA personnel and the procedures that will be followed in administering the agreement and will afford an opportunity for the orderly transition of agreement duties and obligations if different personnel are to assume post-award responsibility.

11. Requirement To Submit Educational Materials to the National AgRisk Education Library

RMA requires that project leaders upload digital copies of all risk management educational materials developed because of the project to the National AgRisk Education Library (*http://www.agrisk.umn.edu/*) for posting. RMA will be clearly identified as having provided funding for the materials.

C. Reporting Requirements

Awardees will be required to submit quarterly progress reports, quarterly financial reports (OMB Standard Form 269), and quarterly Activity Logs (Form RME–3) throughout the project period, as well as a final program and financial report not later than 90 days after the end of the project period.

Awardees will be required to submit prior to the award:

- A completed and signed Form RD 400–4, Assurance Agreement (Civil Rights).
- A completed and signed OMB Standard Form LLL, ''Disclosure of Lobbying Activities''.
- A completed and signed AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions.''
- A completed and signed AD–1049, ''Certification Regarding Drug-Free Workplace''.
- A completed and signed Faith-Based Survey on EEO.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Applicants and other interested parties are encouraged to contact: Lon Burke, USDA–RMA–RME, 1400 Independence Ave. SW., Stop 0808, Washington, DC 20250–0808, phone: 202–720–5265, fax: 202–690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov.* You may also obtain information regarding this announcement from the RMA Web site at: *http://www.rma.usda.gov/aboutrma/agreements.*

VIII. Other Information

A. Dun and Bradstreet Data Universal Numbering System (DUNS)

A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 70 million businesses worldwide. The Office of Management and Budget published a notice of final policy issuance in the **Federal Register** June 27, 2003 (68 FR 38402) that requires a DUNS number in every application (i.e., hard copy and electronic) for a grant or cooperative agreement on or after October 1, 2003. Therefore, potential applicants should verify that they have a DUNS number or take the steps needed to obtain one. For information about how to obtain a DUNS number, go to *http://www.grants.gov.* Please note that the registration may take up to 14 business days to complete.

B. Required Registration With the Central Contract Registry for Submission of Proposals

The Central Contract Registry (CCR) is a database that serves as the primary Government repository for contractor information required for the conduct of business with the Government. This database will also be used as a central location for maintaining organizational information for organizations seeking and receiving grants from the Government. Such organizations must register in the CCR prior to the submission of applications. A DUNS number is needed for CCR registration. For information about how to register in the CCR, visit ''Get Started'' at the Web site, *http://www.grants.gov.* Allow a minimum of 5 business days to complete the CCR registration.

C. Related Programs

Funding availability for this program may be announced at approximately the same time as funding availability for similar but separate programs—CFDA No. 10.455 (Community Outreach and Assistance Partnerships), CFDA No. 10.456 (Risk Management Research Partnerships), CFDA No. 10.457 (Commodity Partnerships for Risk Management Education), and CFDA No. 10.458 (Crop Insurance Education in Targeted States). These programs have some similarities, but also key differences. The differences stem from important features of each program's authorizing legislation and different RMA objectives. Prospective applicants should carefully examine and compare the notices for each program.

Signed in Washington, DC on March 1, 2007.

James Callan,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. E7–4092 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Crop Insurance Education in Targeted States (Targeted States Program)

Announcement Type: Announcement of Availability of Funds and Request for Application for Competitive Cooperative Agreements.

Catalog of Federal Domestic Assistance Number (CFDA): 10.458.

Dates: Applications are due 5 p.m. EDT, April 23, 2007.

Summary: The Federal Crop Insurance Corporation (FCIC), operating through the Risk Management Agency (RMA), announces the availability of approximately $4.5 million to fund cooperative agreements under the Crop Insurance Education in Targeted States program (the Targeted States Program). The purpose of this cooperative agreement program is to deliver crop insurance education and information to U.S. agricultural producers in certain States that have been designated as historically underserved with respect to crop insurance. The states, collectively referred to as Targeted States, are Connecticut, Delaware, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming. A maximum of 15 cooperative agreements will be funded, one in each of the 15 Targeted States. Awardees of awards must agree to the substantial involvement of RMA in the project. Funding availability for this program may be announced at approximately the same time as funding availability for similar but separate programs—CFDA No. 10.455 (Community Outreach and Assistance Partnerships), CFDA No. 10.456 (Risk Management Research Partnerships) CFDA No. 10.457 (Commodity Partnerships for Risk Management Education), and CFDA No. 10.459 (Commodity Partnerships for Small Agricultural Risk Management Education Sessions). Prospective applicants should carefully examine and compare the notices for each program.

This Announcement Consists of Eight Sections

Section I—Funding Opportunity Description
A. Legislative Authority
B. Background
C. Project Goal
D. Purpose
Section II—Award Information
A. Type of Award
B. Funding Availability
C. Location and Target Audience
D. Maximum Award
E. Project Period
F. Description of Agreement Award—Awardee Tasks
G. RMA Activities
H. Other Tasks
Section III—Eligibility Information
A. Eligible Applicants
B. Cost Sharing or Matching
C. Other—Non-Financial Benefits
Section IV—Application and Submission Information
A. Address to Submit an Application Package
B. Content and Form of Application Submission
C. Submission Dates and Times
D. Intergovernmental Review
E. Funding Restrictions
F. Limitation on Use of Project Funds for Salaries and Benefits
G. Indirect Cost Rates
H. Other Submission Requirements
I. Electronic submissions
J. Acknowledgement of Applications
Section V—Application Review Process
A. Criteria
B. Selection and Review Process
Section VI—Award Administration
A. Award Notices
B. Administrative and National Policy Requirements
1. Requirement to Use Program Logo
2. Requirement to Provide Project Information to an RMA-selected Representative
3. Private Crop Insurance Organizations and Potential Conflict of Interest
4. Access to Panel Review Information
5. Confidential Aspects of Applications and Awards
6. Audit Requirements
7. Prohibitions and Requirements Regarding Lobbying
8. Applicable OMB Circulars
9. Requirement to Assure Compliance with Federal Civil Rights Laws
10. Requirement to Participate in a Post Award Conference
11. Requirement to Submit Educational Materials to the National AgRisk Education Library
C. Reporting Requirements
Section VII—Agency Contact
Section VIII—Additional Information
A. Dun and Bradstreet Data Universal Numbering System (DUNS)
B. Required Registration with the Central Contract Registry for Submission of Proposals
C. Related Programs

Full Text of Announcement

I. Funding Opportunity Description

A. Legislative Authority

The Targeted States Program is authorized under section 524(a)(2) of the Federal Crop Insurance Act (Act).

B. Background

RMA promotes and regulates sound risk management solutions to improve the economic stability of American agriculture. On behalf of FCIC, RMA does this by offering Federal crop insurance products through a network of private-sector partners, overseeing the creation of new risk management products, seeking enhancements in existing products, ensuring the integrity of crop insurance programs, offering outreach programs aimed at equal access and participation of underserved communities, and providing risk management education and information. One of RMA's strategic goals is to ensure that its customers are well informed as to the risk management solutions available. This educational goal is supported by section 524(a)(2) of the Act. This section authorizes funding for the establishment of crop insurance education and information programs in States that have historically been underserved by the Federal crop insurance program. In accordance with the Act, the fifteen States designated as ''underserved'' are Connecticut, Delaware, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming (collectively referred to as ''Targeted States'').

C. Project Goal

The goal of the Targeted States Program is to ensure that farmers and ranchers in the Targeted States are sufficiently informed so as to take full advantage of existing and emerging crop insurance products.

D. Purpose

The purpose of the Targeted States Program is to provide farmers and ranchers in Targeted States with education and information to be able to understand:

- The kinds of risk addressed by crop insurance;
- the features of existing and emerging crop insurance products;
- the use of crop insurance in the management of risk;
- how the use of crop insurance can affect other risk management decisions, such as the use of marketing and financial tools;
- how to make informed decisions on crop insurance prior to the sales closing date deadline; and
- record keeping requirements for crop insurance.

In addition, for 2007, the FCIC Board of Directors and the FCIC Manager are seeking projects that also include the topics listed below which highlight the educational priorities within each of the twelve Northeast Targeted States:

Aquaculture (Clams)—(MA)
Nursery—(CT, DE, MA, ME, MD, NH, NY, NJ, PA, RI, VT, and WV)
AGR—(CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT)
AGR-Lite—(CT, DE, MA, ME, MD, NH, NY, NJ, PA, RI, VT, and WV)
Livestock and Livestock Risk Protection (LRP)—(WV)
Pasture Rangeland and Forage Rainfall Index and the Pasture Rangeland and Forage Vegetation
Index—(PA)

II. Award Information

A. Type of Award

Cooperative Agreements, which require the substantial involvement of RMA.

B. Funding Availability

Approximately $4,500,000 is available in fiscal year 2006 to fund up to 15 cooperative agreements, a maximum of one agreement for each of the Targeted States. The maximum funding amount anticipated for each Targeted State's agreement is as follows. Applicants should apply for funding for that Targeted State where the applicant intends on delivering educational activities.

Connecticut	$225,000
Delaware	261,000
Maine	225,000
Maryland	370,000
Massachusetts	209,000
Nevada	208,000
New Hampshire	173,000
New Jersey	272,000
New York	617,000
Pennsylvania	754,000
Rhode Island	157,000
Utah	301,000
Vermont	226,000
West Virginia	209,000
Wyoming	293,000
Total	4,500,000

Funding amounts were determined by first allocating an equal amount of $150,000 to each Targeted State. Remaining funds were allocated on a pro rata basis according to each Targeted State's share of 2000 agricultural cash receipts relative to the total for all Targeted States. Both allocations were totaled for each Targeted State and rounded to the nearest $1,000.

In the event that additional funds become available under this program or in the event that no application for a given Targeted State is recommended for funding by the evaluation panel, these additional funds may, at the discretion of the Manager of FCIC, be allocated pro-rata to State awardees for use in broadening the size or scope of awarded projects within the Targeted State if agreed to by the awardee.

In the event that the Manager of FCIC determines that available RMA resources cannot support the administrative and substantial involvement requirements of all agreements recommended for funding, the Manager may elect to fund fewer agreements than the available funding might otherwise allow. It is expected that the awards will be made approximately 60 days after the application deadline. All awards will be made and agreements finalized no later than September 30, 2007.

C. Location and Target Audience

Targeted States serviced by RMA Regional Offices are listed below. Staff from the respective RMA Regional Offices will provide substantial involvement for Targeted States projects conducted within the respective Regions.

Billings, MT Regional Office: (WY)
Davis, CA Regional Office: (NV and UT)
Raleigh, NC Regional Office: (CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT and WV)

Applicants must clearly designate in their application narrative the Targeted State where crop insurance educational activities for the project will be delivered. Applicants may apply to deliver education to producers in more than one Targeted State, but a separate application must be submitted for each Targeted State. Single applications proposing to conduct educational activities in more than one Targeted State will be rejected.

D. Maximum Award

Any application that requests Federal funding of more than the amount listed above for a project in a given Targeted State will be rejected.

E. Project Period

Projects will be funded for a period of up to one year from the project starting date.

F. Description of Agreement Award

Awardee Tasks

In conducting activities to achieve the purpose and goal of this program in a designated Targeted State, the awardee will be responsible for performing the following tasks:

- Develop and conduct a promotional program. This program will include activities using media, newsletters, publications, or other appropriate informational dissemination techniques that are designed to: (a) Raise awareness for crop insurance; (b) inform producers of the availability of crop insurance; (c) inform producers of the crop insurance sales closing dates prior to the deadline; and (d) inform producers and agribusiness leaders in the designated Targeted State of training and informational opportunities.
- Deliver crop insurance training and informational opportunities to agricultural producers and agribusiness professionals in the designated Targeted State in a timely manner prior to crop insurance sales closing dates in order for producers to make informed decisions prior to the crop insurance sales closing dates deadline. This will include organizing and delivering educational activities using instructional materials that have been assembled to meet the local needs of agricultural producers. Activities should be directed primarily to agricultural producers, but may include those agribusiness professionals that have frequent opportunities to advise producers on crop insurance tools and decisions.
- Document all educational activities conducted under the cooperative agreement and the results of such activities, including criteria and indicators used to evaluate the success of the program. The awardee may also be required to provide information to an RMA-selected contractor to evaluate all educational activities and advise RMA as to the effectiveness of activities.

G. RMA Activities

FCIC, working through RMA, will be substantially involved during the performance of the funded project through three of RMA's ten Regional Offices. Potential types of substantial involvement may include, but are not limited to the following activities.

- Assist in the selection of subcontractors and project staff.
- Collaborate with the awardee in assembling, reviewing, and approving risk management materials for producers in the designated RMA Region.
- Collaborate with the awardee in reviewing and approving a promotional program for raising awareness for risk management and for informing producers of training and informational opportunities in the RMA Region.
- Collaborate with the awardee on the delivery of education to producers and agribusiness leaders in the RMA Region. This will include: (a) Reviewing and approving in advance all producer and agribusiness leader educational activities; (b) advising the project leader on technical issues related to crop insurance education and information; and (c) assisting the project leader in informing crop insurance professionals about educational activity plans and scheduled meetings.
- Conduct an evaluation of the performance of the awardee in meeting the deliverables of the project.

Applications that do not contain substantial involvement by RMA will be rejected.

H. Other Tasks

In addition to the specific, required tasks listed above, the applicant may propose additional tasks that would contribute directly to the purpose of this program. For any proposed additional task, the applicant must identify the objective of the task, the specific subtasks required to meet the objective, specific time lines for performing the subtasks, and the specific responsibilities of partners. The applicant must also identify specific ways in which RMA would have substantial involvement in the proposed project task.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants include State departments of agriculture, universities, non-profit agricultural organizations, and other public or private organizations with the capacity to lead a local program of crop insurance education for farmers and ranchers within a Targeted State. Individuals are eligible applicants. Although an applicant may be eligible to compete for an award based on its status as an eligible entity, other factors may exclude an applicant from receiving Federal assistance under this program governed by Federal law and regulations (e.g. debarment and suspension; a determination of non-performance on a prior contract, cooperative agreement, grant or partnership; a determination of a violation of applicable ethical standards; a determination of being considered ''high risk''). Applications from ineligible or excluded persons will be rejected in their entirety.

B. Cost Sharing or Matching

Although RMA prefers cost sharing by the applicant, this program has neither a cost sharing nor a matching requirement.

IV. Application and Submission Information

A. Contact to Request Application Package

Program application materials for the Targeted States Program under this announcement may be downloaded from *http://www.rma.usda.gov/aboutrma/agreements*. Applicants may also request application materials from: Lon Burke, USDA–RMA–RME, phone: (202) 720–5265, fax: (202) 690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov*.

B. Content and Form of Application Submission

A complete and valid application package must include an electronic copy (Microsoft Word format preferred) of the narrative portion (Forms RME–1 and RME–2) of the application package on a compact disc and an original and two copies of the completed and signed application must be submitted in one package at the time of initial submission, which must include the following:

1. A completed and signed OMB Standard Form 424, ''Application for Federal Assistance.''
2. A completed and signed OMB Standard Form 424–A, ''Budget Information—Non-construction Programs.'' Federal funding requested (the total of direct and indirect costs) must not exceed the maximum level for the respective Targeted State, as specified in Section II, Award Information.
3. A completed and signed OMB Standard Form 424–B, ''Assurances, Non-constructive Programs.''
4. Risk Management Education Project Narrative (Form RME–1). Complete all required parts of Form RME–1:

Part I—Title Page.

Part II—A written narrative of no more than 10 single-sided pages which will provide reviewers with sufficient information to effectively evaluate the merits of the application according to the evaluation criteria listed in this notice. Although a Statement of Work, which is the second evaluation criterion, is to be completed in detail in RME Form–2, applicants may wish to highlight certain unique features of the Statement of Work in Part II for the benefit of the evaluation panel. If your narrative exceeds the page limit, only the first 10 pages will be reviewed.

- No smaller than 12 point font size.
- Use an easily readable font face (e.g., Arial, Geneva, Helvetica, Times Roman).
- 8.5 by 11 inch paper.
- One-inch margins on each page.
- Printed on only one side of paper.
- Held together only by rubber bands or metal clips; not bound or stapled in any other way.

Part III—A Budget Narrative, describing how the categorical costs listed on SF 424–A are derived. The budget narrative should provide enough detail for reviewers to easily understand how costs were determined and how they relate to the goals and objectives of the project.

Part IV—(Not required for Targeted States Program).

5. ''Statement of Work,'' (Form RME–2), which identifies tasks and subtasks in detail, expected completion dates and deliverables, and RMA's substantial involvement role for the proposed project.

Applications that do not include items 1–5 above will be considered incomplete and will not receive further consideration and will be rejected.

C. Submission Dates and Times

Applications Deadline: 5 p.m. EDT, May 7, 2007. Applicants are responsible for ensuring that RMA receives a complete application package by the closing date and time. USPS mail sent to Washington, DC headquarters is sanitized offsite, which may result in delays, loss, and physical damage to enclosures. Regardless of the delivery method you choose, please do so sufficiently in advance of the due date to ensure your application package is received on or before the deadline. It is your responsibility to meet the due date and time. E-mailed and faxed applications will not be accepted. Late application packages will not receive further consideration and will be rejected.

D. Funding Restrictions

Cooperative agreement funds may not be used to:

a. Plan, repair, rehabilitate, acquire, or construct a building or facility including a processing facility;

b. Purchase, rent, or install fixed equipment;

c. Repair or maintain privately owned vehicles;

d. Pay for the preparation of the cooperative agreement application;

e. Fund political activities;

f. Alcohol, food, beverage, or entertainment;

g. Pay costs incurred prior to receiving a cooperative agreement;

h. Fund any activities prohibited in 7 CFR parts 3015 and 3019, as applicable.

E. Limitation on Use of Project Funds for Salaries and Benefits

Total costs for salary and benefits allowed for projects under this announcement will be limited to not more than 60 percent reimbursement of the funds awarded under the cooperative agreement. One goal of the Targeted States Program is to maximize the use of the limited funding available for crop insurance education for Targeted States. In order to accomplish this goal, RMA needs to ensure that the maximum amount of funds practicable is used for directly providing the educational opportunities. Limiting the amount of funding for salaries and benefits will allow the limited amount of funding to reach the maximum number of farmers and ranchers.

F. Indirect Cost Rates

a. Indirect costs allowed for projects submitted under this announcement will be limited to ten (10) percent of the total direct cost of the cooperative agreement. Therefore, when preparing budgets, applicants should limit their requests for recovery of indirect costs to the lesser of their institution's official negotiated indirect cost rate or 10 percent of the total direct costs.

b. RMA will withhold all indirect cost rate funds for an award to an applicant requesting indirect costs if the applicant has not negotiated an indirect cost rate with its cognizant Federal agency.

c. If an applicant is in the process of negotiating an indirect cost rate with its cognizant Federal agency, RMA will withhold all indirect cost rate funds from that applicant until the indirect cost rate has been established.

d. If an applicant's indirect cost rate has expired or will expire prior to award announcements, a clear statement on renegotiation efforts must be included in the application.

e. It is incumbent on all applicants to have a current indirect cost rate or begin negotiations to establish an indirect cost rate prior to the submission deadline. Because it may take several months to obtain an indirect cost rate, applicants needing an indirect cost rate are encouraged to start work on establishing these rates well in advance of submitting an application. The U.S. Office of Management and Budget (OMB) is responsible for assigning cognizant Federal agencies.

f. Applicants may be asked to provide a copy of their indirect cost rate negotiated with their cognizant agency.

g. RMA reserves the right to negotiate final budgets with successful applicants.

G. Other Submission Requirements

Mailed submissions

Applications submitted through express, overnight mail or another delivery service will be considered as meeting the announced deadline if they are received in the mailroom at the address stated below for express, overnight mail or another delivery service on or before the deadline. Applicants are cautioned that express, overnight mail or other delivery services do not always deliver as agreed. Applicants should take this into account because failure of such delivery services will not extend the deadline. Mailed applications will be considered as meeting the announced deadline if they are received on or before the deadline in the mailroom at the address stated below for mailed applications. Applicants are responsible for mailing applications well in advance, to ensure that applications are received on or before the deadline time and date. Applicants using the U.S. Postal Service should allow for the extra time for delivery due to the additional security measures that mail delivered to government offices in the Washington DC area requires.

Address when using private delivery services or when hand delivering:

Attention: Risk Management Education Program, USDA/RMA/RME, Room 5720, South Building, 1400 Independence Avenue, SW., Washington, DC 20250.

Address when using U.S. Postal Services: Attention: Risk Management Education Program, USDA/RMA/RME/ Stop 0808, Room 5720, South Building, 1400 Independence Ave., SW., Washington, DC 20250–0808.

H. Electronic Submissions

Applications transmitted electronically via Grants.gov will be accepted prior to the application date or time deadline. The application package can be accessed via Grants.gov, go to *http://www.grants.gov*, click on ''Find Grant Opportunities,'' click on ''Search Grant Opportunities,'' and enter the CFDA number (beginning of the RFA) to search by CFDA number. From the search results, select the item that correlates to the title of this RFA. If you do not have electronic access to the RFA or have trouble downloading material and you would like a hardcopy, you may contact Lon Burke, USDA-RMA-RME, phone: (202) 720–5265, fax: (202) 690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov*.

If assistance is needed to access the application package via Grants.gov (e.g., downloading or navigating PureEdge forms, using PureEdge with a Macintosh computer), refer to resources available on the Grants.gov Web site first (*http://www.grants.gov/*). Grants.gov assistance is also available as follows:

- Grants.gov customer support, *Toll Free:* 1–800–518–4726.

Business Hours: M–F 7 a.m.–9 p.m. Eastern Standard Time.

E-mail: support@grants.gov.

Applicants who submit their applications via the Grants.gov Web site are not required to submit any hard copy documents to RMA.

When using Grants.gov to apply, RMA strongly recommends that you submit the online application at least two weeks prior to the application due date in case there are problems with the Grants.gov website and you want to submit your application via a mail delivery service.

I. Acknowledgement of Applications

Receipt of applications will be acknowledged by e-mail, whenever possible. Therefore, applicants are encouraged to provide e-mail addresses in their applications. If an e-mail address is not indicated on an application, receipt will be acknowledged by letter. There will be no notification of incomplete, unqualified or unfunded applications until the awards have been made. When received by RMA, applications will be assigned an identification number. This number will be communicated to applicants in the acknowledgement of receipt of applications. An application's identification number should be referenced in all correspondence regarding the application. If the applicant does not receive an acknowledgement within 15 days of the submission deadline, the applicant should notify RMA's point of contact indicated in Section VII, Agency Contact.

V. Application Review Information

A. Criteria

Applications submitted under the Targeted States program will be evaluated within each Targeted State according to the following criteria:

Project Benefits—Maximum 35 Points

The applicant must demonstrate that the project benefits to farmers and ranchers warrant the funding requested. Applicants will be scored according to the extent they can: (a) Reasonably estimate the total number of producers reached through the various educational activities described in the Statement of Work; (b) justify such estimates with clear specifics; (c) identify the actions producers will likely be able to take as a result of the activities described in the Statement of Work; and (d) identify the specific measures for evaluating results that will be employed in the project. Reviewers' scoring will be based on the scope and reasonableness of the applicant's estimates of producers reached through the project, clear descriptions of specific expected project benefits, and well-designed methods for measuring the project's results and effectiveness.

Statement of Work—Maximum 25 Points

The applicant must produce a clear and specific Statement of Work for the project. For each of the tasks contained in the Description of Agreement Award (refer to Section II Award Information), the applicant must identify and describe specific subtasks, responsible entities, expected completion dates, RMA substantial involvement, and deliverables that will further the purpose of this program. Applicants will obtain a higher score to the extent that the Statement of Work is specific, measurable, reasonable, has specific deadlines for the completion of subtasks, relates directly to the required activities and the program purpose described in this announcement. Applicants are required to submit this Statement of Work on Form RME–2.

Partnering—Maximum 15 Points

The applicant must demonstrate experience and capacity to partner with and gain the support of grower organizations, agribusiness professionals, and agricultural leaders to carry out a local program of education and information in a designated Targeted State. The applicant is required to establish a written partnering plan that includes how each partner will aid in carrying out the project goal and purpose stated in this announcement and letters of support stating that the partner has agreed to do this work. The applicant must ensure this plan includes a list of all partners working on the project, their titles, and how they will be contributing to the deliverables listed in the agreement. Applicants will receive higher scores to the extent that they can document and demonstrate: (a) That partnership commitments are in place for the express purpose of delivering the program in this announcement; (b) that a broad group of farmers and ranchers will be reached within the Targeted State; (c) that partners are contributing to the project and involved in recruiting producers to attend the training; (d) that a substantial effort has been made to partner with organizations that can meet the needs of producers; and (e) statements from each partner regarding the number of producers that partner is committed to recruit for the project that would support the estimates specified under the Project Benefits criterion.

Project Management—Maximum 15 Points

The applicant must demonstrate an ability to implement sound and effective project management practices. Higher scores will be awarded to applicants that can demonstrate organizational skills, leadership, and experience in delivering services or programs that assist agricultural producers in the respective Targeted State. The project manager must demonstrate that he/she has the capability to accomplish the project goal and purpose stated in this announcement by (a) having a previous working relationship with the farm community in the designated Targeted State of the application, including being able to recruit approximately the number of producers to be reached in the application and/or (b) having established the capacity to partner with and gain the support of grower organizations, agribusiness professionals, and agribusiness leaders locally to aid in carrying out a program of education and information, including being able to recruit approximately the number of producers to be reached in this application. Applicants that will employ, or have access to, personnel who have experience in directing local educational programs that benefit agricultural producers in the respective Targeted State will receive higher rankings.

Past Performance—Maximum 10 Points

If the applicant has been an awardee of other Federal or other government grants, cooperative agreements, or contracts, the applicant must provide information relating to their past performance in reporting on outputs and outcomes under past or current federal assistance agreements. The applicant must also detail that they have consistently complied with financial and program reporting and auditing requirements. RMA reserves the right to add up to 10 points and subtract 5 points to applications due to past performance. Applicants with very good past performance will receive a score from 6–10 points. Applicants with acceptable past performance will receive a score from 1–5 points. Applicants with unacceptable past performance will receive a score of minus 5 points for this evaluation factor. Applicants without relevant past performance information will receive a neutral score of the mean number of points of all applicants with past performance. Under this cooperative partnership agreement, RMA will subjectively rate the awardee on project performance as indicated in Section II, G.

The applicant must list all current public or private support to which personnel identified in the application have committed portions of their time, whether or not salary support for persons involved is included in the budget. An application that duplicates or overlaps substantially with an application already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. The projects proposed for funding should be included in the pending section.

Budget Appropriateness and Efficiency—Maximum 15 Points

Applicants must provide a detailed budget summary that clearly explains and justifies costs associated with the project. Applicants will receive higher scores to the extent that they can demonstrate a fair and reasonable use of funds appropriate for the project and a budget that contains the estimated cost of reaching each individual producer. The applicant must provide information factors such as:

- The allowability and necessity for individual cost categories;
- The reasonableness of amounts estimated for necessary costs;
- The basis used for allocating indirect or overhead costs;
- The appropriateness of allocating particular overhead costs to the proposed project as direct costs; and
- The percent of time devoted to the project for all key project personnel identified in the application. Salaries of project personnel should be requested in proportion to the percent of time that

they would devote to the project—Note: cannot exceed 60% of the total project budget. Applicants must list all current public or private support to which personnel identified in the application have committed portions of their time, whether or not salary support for persons involved is included in the budget. Only items or services that are necessary for the successful completion of the project will be funded as permitted under the Act.

B. Review and Selection Process

Applications will be evaluated using a two-part process. First, each application will be screened by RMA personnel to ensure that it meets the requirements in this announcement. Applications that do not meet the requirements of this announcement or are incomplete will not receive further consideration during the next process. Applications that meet announcement requirements will be sorted into the Targeted State in which the applicant proposes to conduct the project and will be presented to a review panel for consideration.

Second, the review panel will meet to consider and discuss the merits of each application. The panel will consist of not less than two independent reviewers. Reviewers will be drawn from USDA, other Federal agencies, and others representing public and private organizations, as needed. After considering the merits of all applications within a Targeted State, panel members will score each application according to the criteria and point values listed above. The panel will then rank each application against others within the Targeted State according to the scores received. A lottery will be used to resolve any instances of a tie score that might have a bearing on funding recommendations. If such a lottery is required, the names of all tied applicants will be entered into a drawing. The first tied applicant drawn will have priority over other tied applicants for funding consideration.

The review panel will report the results of the evaluation to the Manager of FCIC. The panel's report will include the recommended applicants to receive cooperative agreements for each Targeted State. Funding will not be provided for an application receiving a score less than 60. An organization, or group of organizations in partnership, may apply for funding under other FCIC or RMA programs, in addition to the program described in this announcement. However, if the Manager of FCIC determines that an application recommended for funding is sufficiently similar to a project that has been funded or has been recommended to be funded under another RMA or FCIC program, then the Manager may elect to not fund that application in whole or in part. The Manager of FCIC will make the final determination on those applications that will be awarded funding.

VI. Award Administration Information

A. Award Notices

Following approval by the awarding official of RMA of the applications to be selected for funding, project leaders whose applications have been selected for funding will be notified. Within the limit of funds available for such a purpose, the awarding official of RMA shall enter into cooperative agreements with those awardees. The agreements provide the amount of Federal funds for use in the project period, the terms and conditions of the award, and the time period for the project. The effective date of the agreement shall be on the date the agreement is executed by both parties and it shall remain in effect for up to one year or through September 30, 2008, whichever is later.

After a cooperative agreement has been signed, RMA will extend to awardees, in writing, the authority to draw down funds for the purpose of conducting the activities listed in the agreement. All funds provided to the awardee by FCIC must be expended solely for the purpose for which the funds are obligated in accordance with the approved agreement and budget, the regulations, the terms and conditions of the award, and the applicability of Federal cost principles. No commitment of Federal assistance beyond the project period is made or implied for any award resulting from this notice.

Notification of denial of funding will be sent to applicants after final funding decisions have been made and awardees announced publicly. Reasons for denial of funding can include, but are not limited to, incomplete applications, applications with evaluation scores below 60, or applications with evaluation scores that are lower than those of other applications in a Targeted State.

B. Administrative and National Policy Requirements

1. Requirement to Use Program Logo

Awardees of cooperative agreements will be required to use a program logo and design provided by RMA for all instructional and promotional materials.

2. Requirement to Provide Project Information to an RMA-Selected Contractor

Awardees of cooperative agreements may be required to assist RMA in evaluating the effectiveness of its educational programs by providing documentation of educational activities and related information to any contractor selected by RMA for program evaluation purposes.

3. Private Crop Insurance Organizations and Potential Conflicts of Interest

Private organizations that are involved in the sale of Federal crop insurance, or that have financial ties to such organizations, are eligible to apply for funding under this announcement. However, such entities will not be allowed to receive funding to conduct activities that would otherwise be required under a Standard Reinsurance Agreement or any other agreement in effect between FCIC and the entity. Also, such entities will not be allowed to receive funding to conduct activities that could be perceived by producers as promoting one company's services or products over another's. If applying for funding, such organizations are encouraged to be sensitive to potential conflicts of interest and to describe in their application the specific actions they will take to avoid actual and perceived conflicts of interest.

4. Access to Panel Review Information

Upon written request from the applicant, scores from the evaluation panel, not including the identity of reviewers, will be sent to the applicant after the review and awards process has been completed.

5. Confidential Aspects of Applications and Awards

The names of applicants, the names of individuals identified in the applications, the content of applications, and the panel evaluations of applications will all be kept confidential, except to those involved in the review process, to the extent permitted by law. In addition, the identities of review panel members will remain confidential throughout the entire review process and will not be released to applicants. At the end of the fiscal year, names of panel members will be made available. However, panelists will not be identified with the review of any particular application. When an application results in a cooperative agreement, that agreement becomes a part of the official record of RMA transactions, available to the public upon specific request. Information that the Secretary of

Agriculture determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to be considered confidential, privileged, or proprietary should be clearly marked within an application, including the basis for such designation. The original copy of an application that does not result in an award will be retained by RMA for a period of one year. Other copies will be destroyed. Copies of applications not receiving awards will be released only with the express written consent of the applicant or to the extent required by law. An application may be withdrawn at any time prior to award.

6. Audit Requirements

Awardees of cooperative agreements are subject to audit.

7. Prohibitions and Requirements With Regard to Lobbying

Section 1352 of Public Law 101–121, enacted on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on awardees of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian Tribes and tribal organizations. Current and prospective awardees, and any subcontractors, are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement, or loan. In addition, for each award action in excess of $100,000 ($150,000 for loans) the law requires awardees and any subcontractors: (1) To certify that they have neither used nor will use any appropriated funds for payment of lobbyists; (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom awardees of their subcontractors will pay with profits or other non-appropriated funds on or after December 22, 1989; and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for non-compliance. A copy of the certification and disclosure forms must be submitted with the application and are available at the address and telephone number listed in Section VII. Agency Contact.

8. Applicable OMB Circulars

All cooperative agreements funded as a result of this notice will be subject to the requirements contained in all applicable OMB circulars.

9. Requirement To Assure Compliance With Federal Civil Rights Laws

Project leaders of all cooperative agreements funded as a result of this notice are required to know and abide by Federal civil rights laws and to assure USDA and RMA that the awardee is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), 7 CFR part 15, and USDA regulations promulgated thereunder, 7 CFR 1901.202. RMA requires that awardees submit Form RD 400–4, Assurance Agreement (Civil Rights), assuring RMA of this compliance prior to the beginning of the project period.

10. Requirement To Participate in a Post Award Conference

RMA requires that project leaders attend a post award conference to become fully aware of cooperative agreement requirements and for delineating the roles of RMA personnel and the procedures that will be followed in administering the agreement and will afford an opportunity for the orderly transition of agreement duties and obligations if different personnel are to assume post-award responsibility. In their applications, applicants should budget for possible travel costs associated with attending this conference.

11. Requirement To Submit Educational Materials to the National AgRisk Education Library

RMA requires that project leaders upload digital copies of all risk management educational materials developed because of the project to the National AgRisk Education Library (*http://www.agrisk.umn.edu/*) for posting. RMA will be clearly identified as having provided funding for the materials.

C. Reporting Requirements

Awardees will be required to submit quarterly progress reports, quarterly financial reports (OMB Standard Form 269), and quarterly Activity Logs (Form RME–3) throughout the project period, as well as a final program and financial report not later than 90 days after the end of the project period.

Awardees will be required to submit prior to the award:

- A completed and signed Form RD 400–4, Assurance Agreement (Civil Rights).
- A completed and signed OMB Standard Form LLL, ''Disclosure of Lobbying Activities.''
- A completed and signed AD–1047, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions.''
- A completed and signed AD–1049, ''Certification Regarding Drug-Free Workplace.''
- A completed and signed Faith-Based Survey on EEO.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Applicants and other interested parties are encouraged to contact: Lon Burke, USDA–RMA–RME, phone: 202–720–5265, fax: 202–690–3605, e-mail: *RMA.Risk-Ed@rma.usda.gov*. You may also obtain information regarding this announcement from the RMA Web site at: *http://www.rma.usda.gov/aboutrma/agreements/*.

VIII. Other Information

A. Dun and Bradstreet Data Universal Numbering System (DUNS)

A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 70 million businesses worldwide. The Office of Management and Budget published a notice of final policy issuance in the **Federal Register** June 27, 2003 (68 FR 38402) that requires a DUNS number in every application (i.e., hard copy and electronic) for a grant or cooperative agreement on or after October 1, 2003. Therefore, potential applicants should verify that they have a DUNS number or take the steps needed to obtain one. For information about how to obtain a DUNS number, go to *http://www.grants.gov*. Please note that the registration may take up to 14 business days to complete.

B. Required Registration With the Central Contract Registry for Submission of Proposals

The Central Contract Registry (CCR) is a database that serves as the primary Government repository for contractor information required for the conduct of business with the Government. This database will also be used as a central location for maintaining organizational information for organizations seeking and receiving grants from the Government. Such organizations must register in the CCR prior to the submission of applications. A DUNS number is needed for CCR registration. For information about how to register in the CCR, visit ''Get Started'' at the Web site, *http://www.grants.gov*. Allow a minimum of 5 business days to complete the CCR registration.

C. Related Programs

Funding availability for this program may be announced at approximately the

same time as funding availability for similar but separate programs—CFDA No. 10.455 (Community Outreach and Assistance Partnerships), CFDA No. 10.456 (Risk Management Research Partnerships), CFDA No. 10.457 (Commodity Partnerships for Risk Management Education), and CFDA No. 10.459 (Commodity Partnerships Small Sessions Program). These programs have some similarities, but also key differences. The differences stem from important features of each program's authorizing legislation and different RMA objectives. Prospective applicants should carefully examine and compare the notices for each program.

Signed in Washington, DC on March 1, 2007.

James Callan,

Acting, Manager, Federal Crop Insurance Corporation.

[FR Doc. E7–4079 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2006–0044]

Notice of Request for a Revision of a Currently Approved Information Collection (Listeria Control for Ready-to-Eat Products)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a revision of an approved information collection regarding Listeria Control for Ready-to-Eat products to reflect its most recent plant data, which support a finding of fewer total burden hours.

DATES: Comments on this notice must be received on or before May 7, 2007.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by any of the following methods:

- *Mail, including floppy disks or CD–ROM's, and hand-or courier-delivered items:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250.
- *Electronic mail: fsis.regulationscomments@fsis.usda.gov.*
- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulation.gov* and in the ''Search for Open Regulations'' box, select ''Food Safety and Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select FDMS Docket Number FSIS–2006–0044 to submit or view public comments and to view supporting and related materials available electronically.

All submissions received by mail or electronic mail must include the Agency name and docket number. All comments submitted in response to this document, as well as research and background information used by FSIS in developing this document, will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments will also be posted on the Agency's Web site at *http://www.fsis.usda.gov/regulations_&_policies/regulations_directives_&_notices/index.asp.*

FOR FURTHER INFORMATION CONTACT: John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 300 12th Street, SW., Room 112, Washington, DC 20250–3700, (202) 720–0345.

SUPPLEMENTARY INFORMATION:

Title: Listeria Control for Ready-to-Eat Products.

OMB Number: 0583–0132.

Expiration Date of Approval: 07/31/2007.

Type of Request: Revision of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as specified 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 provide that FSIS is to protect the public by verifying that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS regulations (9 CFR 430.4) require official establishments that produce certain ready-to-eat (RTE) meat and poultry products to take measures to prevent product adulteration by the pathogen *Listeria monocytogenes.*

Official establishments that produce RTE meat and poultry products annually furnish FSIS with information on the production volume of RTE products affected by the regulations and the control measures used by the establishments.

RTE establishments develop microbiological sampling and testing plans to support the efficacy of sanitation controls. RTE establishments develop microbiological sampling plans to ensure that their sanitation procedures are adequate.

RTE establishments sample and test food-contact surfaces to verify that their *Listeria* controls are working.

Some RTE establishments hold and test for *L. monocytogenes* or indicator organisms.

FSIS is requesting a revision of an approved information collection addressing paperwork and recordkeeping requirements regarding *Listeria* control. The Agency is revising the *Listeria* controls information collection based on its most recent plant data, which support a finding of fewer total burden hours than there are in the approved information collection.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of 8.3 hours annually to collect and report this information.

Respondents: Ready-to-Eat establishments.

Estimated No. of Respondents: 3,590.

Estimated No. of Annual Responses per Respondent: 45,388.

Estimated Total Annual Burden on Respondents: 29,793 hours.

Copies of this information collection assessment can be obtained from John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 300 12th Street, SW., Room 112, Washington, DC 20250–3700, (202) 720–5627, (202) 720–0345.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 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. Comments may be sent to both John O'Connell, Paperwork Reduction Act Coordinator, at the address provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs,

Office of Management and Budget, Washington, DC 20253.

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.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it online through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2007_Notices_Index/index.asp.*

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC on March 2, 2007.

David P. Goldman,

Acting Administrator.

[FR Doc. E7–4086 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fremont-Winema National Forests; Oregon; Invasive Plant Treatment

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service will prepare an Environmental Impact Statement (EIS) to document and disclose the potential environmental effects of proposed invasive plant treatments on the Fremont-Winema National Forests. Treatment methods would include manual, mechanical, cultural, biological, and chemical control. Combinations of methods may be used. Treatments would focus on 4,274 known invasive plant sites currently infesting approximately 7,730 acres. The Proposed Action also includes an Early Detection/Rapid Response (EDRR) process to allow treatment of new or previously undiscovered infestations. Under the EDRR approach, new sites would be evaluated to ensure that effects are within the scope of those already analyzed in the EIS.

DATES: Comments concerning the scope of the analysis must be received by April 9, 2007. The draft environmental impact statement is expected in November 2007 and the final environmental impact statement is expected in July 2008.

ADDRESSES: Send written comments to Karen Shimamoto, Forests Supervisor, Fremont-Winema National Forests, Fremont-Winema Headquarters, 1301 South G Street, Lakeview, OR 97630. Electronic comments can be submitted to: *comments-pacificnorthwest-fremont-winema@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Rick Elston, Interdisciplinay Team Leader, Fremont-Winema National Forests, P.O. Box 129, Silver Lake, OR 97638. Phone (541) 576–7569 or e-mail *relston@fs.fed.us*; or Sarah Malaby, Forest Botanist, Fremont-Winema National Forests, 2819 Dahlia, Klamath Falls, OR 97601. Phone (541) 885–3421 or e-mail *smalaby@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

There is an underlying need for timely control and/or eradiction of invasive plants on the Fremont-Winema National Forests so that desired environmental conditions (healthy native plant populations) may be achieved. Invasive plants can displace native plant communities, increase fire hazard, degrade fish and wildlife habitat, eliminate rare and cultural plants, increase soil erosion, and adversely affect scenic beauty and recreational opportunities. Because of their competitive abilities and a lack of natural predators to keep them in check, invasive plants can spread rapidly across the landscape, unimpeded by ownership or administrative boundaries. Infested areas represent potential seed sources for further invasion into neighboring ownerships. On the Fremont-Winema National Forests there are presently 24 species of invasive plants infesting approximately 7,400 acres.

Noxious weed control is currently taking place on the Forests under separate Winema and Fremont Environmental Assessments. This proposal would create a consistent program across the two Forests, address invasive species sites found since those decisions were signed, and include use of additional, often less toxic and more effective, herbicides. The project will utilize recent direction and new tools provided by the *Pacific Northwest Region Invasive Plant Program Preventing and Managing Invasive* Plants Record of Decision signed in 2005.

The purpose of this project is to control invasive plants in a cost-effective manner that complies with environmental standards. Without action, invasive plant populations will continue to have adverse effects on National Forest System and adjacent lands.

Proposed Action

The Proposed Action for this project is to apply site-specific treatment prescriptions to invasive plants on the Fremont-Winema National Forests. Treatments are to be based on site objective (containment, control, or eradication), biology of the invasive plant species, size of the infestation, and spread potential. Project Design Criteria (PDC) will be developed to reduce or eliminate potentially adverse effects on non-target species and other resources.

Treatment of both existing and newly discovered invasive plant species infestations would occur during the next 10 to 15 years. Concentrations of known invasive plant sites have been grouped into 54 ''treatment areas'' that take into consideration expected spread patterns associated with road systems, plantations, areas burned by wildfire, and other habitat conditions at risk of infestation. Treatment areas encompass 156,000 acres and contain 4,274 known invasive plant sites currently infesting approximately 7,730 acres. Maps and descriptions of treatment areas are available at: *http:www.fs.fed.us/r6/frewin/projects/analyses/2007invasives/*, or upon request. The amount of acres treated in any given year would depend on funding and the success of past treatments. It is expected that less than

5,000 acres would be treated each year. With private landowner cooperation, the proposal would provide the option to use Federal funds to treat invasive plants on adjacent private lands both inside and outside the Forest boundary. Use of federal dollars on private land would be considered for high priority species, populations overlapping both ownerships, and sites with high potential for spread across boundaries, such as those in road corridors and areas burned by wildfire.

The Proposed Action includes an Early Detection/Rapid Response (EDRR) process to allow treatment of new or previously undiscovered infestations outside of treatment areas. The intent of the EDRR approach is to increase cost-effectiveness by treating new infestations when they are small so that the likelihood of adverse effects from treatment is minimized, and the invasives plants do less ecological damage. Under the EDRR approach, new sites would be evaluated to determine appropriate Project Design Criteria and to ensure that effects are within the scope of those already analyzed in the EIS.

Responsible Official

The Responsible Official is Karen Shimamoto, Fremont-Winema National Forests Supervisor. She may be contacted at Fremont-Winema Headquarters, 1301 South G Street, Lakeview, OR 97630.

Nature of Decision To Be Made

The Responsible Official will decide what type of methods and how they will be used to contain, control, or eradicate invasive plants on the Fremont-Winema National Forests.

Scoping Process

The public is asked to provide the responsible official with written comments describing their concerns about this project. Public meetings will be held during the spring or summer of 2007.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. The comments most useful to developing or refining the proposed action would be site specific concerns and those that can help us develop treatments that would be responsive to our goal to control, contain, or eradicate invasive plants as well as being cost effective.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978)). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts (*City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: February 28, 2007.

Karen Shimamoto,

Forest Supervisor, Fremont-Winema National Forests.

[FR Doc. 07–1053 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Meeting; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447)

AGENCY: Pacific Northwest Region, Forest Service, U.S. Department of Agriculture.

ACTION: Notice of Meeting.

SUMMARY: The Pacific Northwest Recreation Resource Advisory Committee (Recreation RAC) will hold its first meeting April 2007 in Portland, Oregon. The purpose of this initial meeting is to develop the process for making recommendations on recreation fee proposals for facilities and services offered on lands managed by the Forest Service and Bureau of Land Management in Oregon and Washington.

DATES: The meeting will be held on April 11, 2007 from 8:30 a.m.–5 p.m. and April 12, 2007 from 8:30 a.m.–4 p.m.

ADDRESSES: The meeting will be at the Double Tree Hotel, Lloyd Center, 1000 NE Multnomah St., Portland, Oregon 97232. Send written comments to Dan Harkenrider, PNW Recreation RAC Designated Federal Official, 902 Wasco Street, Suite 200, Hood River, OR 97031, 541–308–1700 or *dharkenrider@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Dan Harkenrider, PNW Recreation RAC Designated Federal Official, 902 Wasco Street, Suite 200, Hood River, OR 97031, 541–308–1700.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. This initial meeting will be an information meeting and overview of current Pacific Northwest Recreation Fee Programs for the Forest Service and BLM. Recreation RAC discussion is limited to Forest Service and Bureau of Land Management staff and Recreation RAC members. However, persons who wish to bring recreation fee matters to the attention of the Recreation RAC may file written statements with the Designated Federal Official before or after the

meeting. A public input session will be provided during the meeting and individuals who wish to address the Recreation RAC will have an opportunity at 2 p.m. both days of the meeting. Comments will be limited to three minutes per person. The Recreation RAC is authorized by the Federal Land Recreation Enhancement Act, which was signed into law by President Bush in December 2004.

Dated: March 1, 2007.

Linda Goodman,

Regional Forester, Pacific Northwest Region.

[FR Doc. 07–1054 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Champaign (IL), Detroit (MI), Davenport (IA), Enid (OK), Keokuk (IA), Michigan (MI), Memphis (TN), and Omaha (NE) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: We are announcing designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (USGSA):

Champaign-Danville Grain Inspection Departments, Inc. (Champaign);
Detroit Grain Inspection Service, Inc. (Detroit);
Eastern Iowa Grain Inspection and Weighing Service, Inc. (Eastern Iowa);
Enid Grain Inspection Company, Inc. (Enid);
Keokuk Grain Inspection Service (Keokuk);
Michigan Grain Inspection Services, Inc. (Michigan);
Midsouth Grain Inspection Service (Midsouth); and
Omaha Grain Inspection Service, Inc. (Omaha).

EFFECTIVE DATE: April 1, 2007.

FOR FURTHER INFORMATION CONTACT: Karen Guagliardo at 202–720–7312, e-mail *Karen.W.Guagliardo@usda.gov*.

SUPPLEMENTARY INFORMATION: In the September 7, 2006 **Federal Register** (71 FR 52761–52764), we requested applications for designation to provide official services in the geographic areas assigned to the official agencies named above. Applications were due by October 10, 2006.

Champaign, Detroit, Eastern Iowa, Enid, Keokuk, Michigan, Midsouth and Omaha were the sole applicants for designation to provide official services in the entire area currently assigned to them, so GIPSA did not ask for additional comments on them.

We evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of USGSA (7 U.S.C. 79(f)) and Section 7(f)(1)(B), determined that Champaign, Detroit, Eastern Iowa, Enid, Keokuk, Michigan and Omaha are able to provide official services in the geographic areas specified in the September 7, 2006 **Federal Register**, for which they applied. These designation actions to provide official services are effective April 1, 2007, and terminate March 31, 2010, for Champaign, Detroit, Eastern Iowa, Enid, Keokuk, Michigan and Omaha. Midsouth is designated for 2 years only, effective April 1, 2007, and terminating March 31, 2009. Interested persons may obtain official services by calling the telephone numbers listed below.

Official agency	Headquarters location and telephone	Designation start—end
Champaign	Champaign, IL, 217–398–0723; Additional locations: Hoopeston, IL, and Terre Haute, IN.	4/01/2007–3/31/2010
Detroit	Emmett, MI, 810–395–2105	4/01/2007–3/31/2010
Eastern Iowa	Davenport, IA, 563–322–7140; Additional locations: Dubuque and Muscatine, IA; Gulfport, IL; Milwaukee, WI.	4/01/2007–3/31/2010
Enid	Enid, OK, 580–233–1121; Additional location: Catoosa, OK.	4/01/2007–3/31/2010
Keokuk	Keokuk, IA, 319–524–6482; Additional location: Havana, IL.	4/01/2007–3/31/2010
Michigan	Marshall, MI, 269–781–2711; Additional locations: Cairo, OH, and Carrollton, MI.	4/01/2007–3/31/2010
Midsouth	Memphis, TN, 901–942–3216; Additional locations: Stoneville, MS; North Little Rock, AK.	4/01/2007–3/31/2009
Omaha	Omaha, NE, 402–341–6739	4/01/2007–3/31/2010

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E7–4091 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in Amarillo (TX), Cairo (IL), Corpus Christi (TX), Louisiana, North Carolina, and Belmond (IA) Areas, and Request for Comments on the Official Agencies Serving These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end on September 30, 2007. We are asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. We are also asking for comments on the quality of services provided by these currently designated agencies: Amarillo Grain Exchange, Inc. (Amarillo); Cairo Grain Inspection Agency, Inc. (Cairo); Intercontinental Grain Inspections, Inc. (Intercontinental); Louisiana Department of Agriculture and Forestry (Louisiana); North Carolina Department of Agriculture (North Carolina); and D. R. Schaal Agency, Inc. (Schaal).

DATES: Applications and comments must be received on or before April 6, 2007.

ADDRESSES: We invite you to submit applications and comments on this notice. You may submit applications and comments by any of the following methods:

• *Hand Delivery or Courier:* Deliver to Karen Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.

• *Fax:* Send by facsimile transmission to (202) 690–2755, attention: Karen Guagliardo.

• *E-mail:* Send via electronic mail to Karen.W.Guagliardo@usda.gov.

• *Mail:* Send hardcopy to Karen Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

• Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Karen Guagliardo at 202–720–7312, e-mail *Karen.W.Guagliardo@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 7(f)(1) of the United States Grain Standards Act, as amended (USGSA), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)(1)).

Section 7(g) (1) of USGSA provides that designations of official agencies will terminate not later than three years and may be renewed according to the criteria and procedures prescribed in Section 7(f) of USGSA.

CURRENT DESIGNATIONS BEING ANNOUNCED FOR RENEWAL

Official agency	Main office	Designation start	Designation end
Amarillo	Amarillo, TX	10/01/2004	09/30/2007.
Cairo	Cairo, IL	10/01/2004	09/30/2007.
Intercontinental	Maumee, OH	04/10/2006	09/30/2007.
Louisiana	Baton Rouge, LA	10/01/2004	09/30/2007.
North Carolina	Raleigh, NC	10/01/2004	09/30/2007.
Schaal	Belmond, IA	10/01/2004	09/30/2007.

Amarillo

In accordance with Section 7(f) (2) of USGSA (7 U.S.C. 79 (f) (2)) the following geographic area, in the States of Oklahoma and Texas, is assigned to Amarillo:

In Texas:

• Bounded on the North by the Texas-Oklahoma State line to the eastern Clay County line;

• Bounded on the East by the eastern Clay, Archer, Throckmorton, Shackelford, and Callahan County lines;

• Bounded on the South by the southern Callahan, Taylor, and Nolan County lines;

• Bounded on the West by the western Nolan, Fisher, Stonewall, King, and Cottle County lines; the western Childress County line north to U.S. Route 287; U.S. Route 287 northwest to Donley County; the southern Donley and Armstrong County lines west to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River northwest to State Route 217; State Route 217 west to FM 1062; FM 1062 west to U.S. Route 385; U.S. Route 385 north to Oldham County; the southern Oldham County line; the western Oldham, Hartley, and Dallam County lines.

In Oklahoma:

• Beaver, Cimarron, and Texas Counties.

Cairo

In accordance with Section 7(f) (2) of USGSA (7 U.S.C. 79 (f) (2)), the following geographic area, in the States of Illinois, Kentucky, and Tennessee, is assigned to Cairo.

In Illinois:

• Randolph County (southwest of State Route 150 from the Mississippi River north to State Route 3); Jackson County (southwest of State Route 3 southeast to State Route 149; State Route 149 east to State Route 13; State Route 13 southeast to U.S. Route 51; U.S. Route 51 south to Union County); and Alexander, Johnson, Hardin, Massac, Pope, Pulaski, and Union Counties.

In Kentucky:

• Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties.

In Tennessee:

• Benton, Dickson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Stewart, and Weakley Counties.

• Cairo's assigned geographic area does not include the following grain elevator inside Cairo's area which has been and will continue to be serviced by the following official agency: Midsouth Grain Inspection Service: Cargill, Inc., Tiptonville, Lake County, Tennessee.

Intercontinental

In accordance with Section 7(f) (2) of USGSA (7 U.S.C. 79 (f) (2)), the following geographic area, in the State of Texas, is assigned to Intercontinental.

• Bounded on the north by the northern Young, Jack, Montague, Cooke, Grayson, Fannin, Lamar, Red River, Morris, and Marion County line east to the Texas State line;

• Bounded on the east by the eastern Texas State line south to the southern Texas State line;

• Bounded on the south by the southern Texas State line west to the western Val Verde County line;

• Bounded on the west by the western Val Verde, Edwards, Kimble, Mason, San Saba, Mills, Comanche, Eastland, Stephens, and Young County lines north to the northern Young County line.

• Intercontinental's assigned geographic area does not include the export port locations inside Intercontinental's area which are serviced by GIPSA.

Louisiana

In accordance with Section 7(f)(2) of USGSA (7 U.S.C. 79(f)(2)), the following geographic area, the entire State of Louisiana, except those export port locations within the State which are serviced by GIPSA, is assigned to Louisiana.

North Carolina

In accordance with Section 7(f)(2) of USGSA (7 U.S.C. 79(f)(2)), the following geographic area, the entire State of North Carolina, except those export port locations within the State which are serviced by GIPSA, is assigned to North Carolina.

Schaal

In accordance with Section 7(f)(2) of USGSA (7 U.S.C. 79(f)(2)), the following geographic area, in the States of Iowa and Minnesota, is assigned to Schaal.

In Iowa:

- Bounded on the North by the northern Kossuth County line from U.S. Route 169; the northern Winnebago, Worth, and Mitchell County lines;
- Bounded on the East by the eastern Mitchell County line; the eastern Floyd County line south to B60; B60 west to T64; T64 south to State Route 188; State Route 188 south to C33;
- Bounded on the South by C33 west to T47; T47 north to C23; C23 west to S56; S56 south to C25; C25 west to U.S. Route 65; U.S. Route 65 south to State Route 3; State Route 3 west to S41; S41 south to C55; C55 west to Interstate 35; Interstate 35 southwest to the southern Wright County line; the southern Wright County line west to U.S. Route 69; U.S. Route 69 to C54; C54 west to State Route 17; and
- Bounded on the West by State Route 17 north to the southern Kossuth County line; the Kossuth County line west to U.S. Route 169; U.S. Route 169 north to the northern Kossuth County line.

In Minnesota:

- Faribault, Freeborn, and Mower Counties.
- Schaal's assigned geographic area does not include the following grain elevators inside Schaal's area which have been and will continue to be serviced by the following official agencies:

1. Central Iowa Grain Inspection Service, Inc.: Agvantage F.S., Chapin, Franklin County; and Five Star Coop, Rockwell, Cerro Gordo County.
2. Sioux City Inspection and Weighing Service Company: West Bend Elevator Co., Algona, Kossuth County; Stateline Coop, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and North Central Coop, Holmes, Wright County.

Opportunity for Designation

Interested persons, including Amarillo, Cairo, Intercontinental, Louisiana, North Carolina, and Schaal, may apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of USGSA (7 U.S.C. 79(f)(2)), and 9 CFR 800.196(d) regulations. Designation in the specified geographic areas is for the period beginning October 1, 2007, and ending September 30, 2010. To apply for designation, contact the Compliance Division at the address listed above for forms and information, or obtain applications at the GIPSA Web site, *http://www.gipsa.usda.gov*.

Request for Comments

We are also publishing this notice to provide interested persons the opportunity to present comments on the quality of services provided by the Amarillo, Cairo, Intercontinental, Louisiana, North Carolina, and Schaal official agencies. In the designation process, we will consider substantive comments citing reasons and pertinent data for support or objection to the designation of the applicants. Submit all comments to the Compliance Division at the above address.

In determining which applicant will be designated, we will consider applications, comments, and other available information.

Authority: 7 U.S.C. 71 *et seq.*

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E7–4098 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Calculating Interest on Reparation Awards Under the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The Department of Agriculture (USDA) has changed the method used to calculate interest on reparation awards under the Packers and Stockyards Act, 1921 (P&S Act). The P&S Act calculation will be consistent with interest awarded on monetary judgments in Federal courts.

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Policy and Litigation Division, USDA GIPSA, by telephone at (202) 720–7363, or e-mail at *S.Brett.Offutt@usda.gov*.

SUPPLEMENTARY INFORMATION: The Grain Inspection, Packers and Stockyards Administration (GIPSA) administers and enforces the Packers and Stockyards Act, 1921 (P&S Act). The P&S Act prohibits unfair, deceptive, and fraudulent practices by livestock market agencies, dealers, stockyard owners, meat packers, swine contractors, and live poultry dealers in the livestock, poultry, and meatpacking industries.

Section 308 of the P&S Act (7 U.S.C. 209) makes persons subject to the P&S Act liable to the person or persons injured, when the injury involves the purchase, sale or handling of livestock or the purchase or sale of poultry, or if the injury relates to a poultry growing arrangement or swine production contract, and is caused by violations of the P&S Act or the violation of an order of the Secretary under the P&S Act. Section 309 of the P&S Act (7 U.S.C. 210) sets out procedures for making reparation complaints to the Secretary for actions of stockyard owners, market agencies, or dealers in violation of sections 304, 305, 306, or 307 (7 U.S.C. 204, 205, 207 or 208), or an order of the Secretary under Title III of the P&S Act.

A person may file a reparation complaint with the Secretary under the P&S Act or pursue a claim for award of damages in any district court of the United States of competent jurisdiction. The decision of the Secretary can also be appealed to the Federal district courts.

How will the interest rate be determined?

GIPSA will follow the same procedural statute for assessing interest on money judgments as that used in civil cases recovered in Federal courts, which is found in 28 U.S.C. 1961. Accordingly, the interest rate on all reparation awards ordered under the P&S Act, subsequent to the publication of this notice, will be calculated using an interest rate equal to the weekly average 1-year constant maturity Treasury yield for the calendar week preceding the date of the Order, as published by the Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release (H.15) for Selected Interest Rates. The interest will be computed daily at that same rate, and compounded annually, until the full payment is received.

When will the interest begin accruing and how long will it continue to accrue?

The interest on a reparation award will accrue from the date payment or remittance would have been due under the P&S Act. The interest will continue accruing at the same rate, compounded annually, until full payment is made.

For example, if an Order issued October 2, 2006, awarded $800 for one transaction in which payment was due on June 30, 2006, then the Order would start interest accrual on the award as of June 30, 2006, and continue accruing the interest until the person subject to the Order makes full payment, including interest. The rate of interest used to calculate the accrual in this example would be 4.9 percent, since the weekly average 1-year constant maturity Treasury yield for the calendar week prior to October 2, 2006, reported by the Federal Reserve as of September 29, 2006, was 4.9 percent.

If the reparation involves more than one transaction, the interest on the reparation award will accrue from the date payment or remittance is due under the P&S Act for the last transaction on which the award is calculated. The interest will continue accruing at the same rate, compounded annually, until the person subject to the Order makes full payment.

For example, if an Order issued October 2, 2006, awarded $1500 for three transactions in which payment was due on June 15, June 30, and July 15, 2006, respectively, the Order would start interest accrual on the award on July 15, 2006, and continue accruing the interest until full payment, including interest, is made. The rate of interest used to calculate the accrual in this instance would be 4.9 percent, since the weekly average 1-year constant maturity Treasury yield for the calendar week prior to October 2, 2006, reported by the Federal Reserve as of September 29, 2006, was 4.9 percent.

Beginning interest accrual when payment is due under the P&S Act accomplishes several goals. It consistently enforces the payment requirements of the P&S Act and regulations and it discourages violations of the P&S Act that are subject to the reparations process. It also encourages the parties to resolve complaints early in the reparations process, and compensates the injured party for delays in payment from the date payments were originally due.

Authority: 7 U.S.C. 228.

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E7–4095 Filed 3–6–07; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Deemed Export Advisory Committee; Notice To Solicit Meeting Speakers and Presentations

The Deemed Export Advisory Committee (DEAC), which advises the Secretary of Commerce on deemed export licensing policy, will meet on May 2, 2007 from 8 a.m. to 12 p.m. The DEA is a Federal Advisory Committee that was established under the auspices of the Federal Advisory Committee Act, as amended, 5 U.S.C. app. 2. The meeting location will be Atlanta, GA, with exact details to be announced in a subsequent **Federal Register** Notice. At this time, the Department of Commerce, Bureau of Industry and Security (BIS), would like to solicit stakeholders from industry, academia and other backgrounds to address the DEAC members on May 2 in an open session on issues related to deemed exports and, in particular, their organizations' perspectives and concerns related to U.S. deemed export control policies. Stakeholders are those individuals or organizations who have some experience in or knowledge of export control regulations and policies, who must apply these rules in the course of normal business or whose operations are directly impacted by those export regulations and policies mandated by the U.S. government. BIS seeks to have an equal number of presenters from industry, academia, and other backgrounds. There may be up to three presenters from each group and speaking time may be limited to 10 minutes or less per speaker depending on the number of interested parties. Speakers may be selected on the basis of one or more of the following criteria (not in any order of importance): (1) Demonstrated experience in and knowledge of export control regulations; (2) demonstrated ability to provide DEAC members with relevant information related to deemed export policies and issues; (3) the degree to which the organization is impacted by the U.S. Government's export policies and regulations; and (4) industry area or academic type of institution represented. BIS reserves the right to limit the number of participants based on time considerations. For planning purposes, BIS requests that (1) that interested parties inform BIS of their commitment, via e-mail or telephone call, to address the DEAC no later than 5 p.m. EST April 11, 2007, as well as provide a brief outline of the topics to be discussed by this same deadline; and (2) that once interested parties receive confirmation of their participation at the meeting, they provide either an electronic or paper copy of any prepared remarks/presentations no later than 5 p.m. EST April 25, 2007. Interested parties may contact Ms. Yvette Springer at *Yspringer@bis.doc.gov* or (202) 482–2813. The purpose of this solicitation is only to accept speakers for the May 2, 2007 DEAC meeting. However, all members of the public may submit written comments to BIS at any time for the DEAC's consideration.

Dated: March 1, 2007.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 07–1063 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–868)

Folding Metal Tables and Chairs from the People's Republic of China: Notice of Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review

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

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Matthew Quigley, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4243 or (202) 482–4551, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 27, 2006, the Department of Commerce (''the Department'') published the initiation of the administrative review of the antidumping duty order on folding metal tables and chairs from the People's Republic of China (''PRC''). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 71 FR 42626 (July 27, 2006). This

review covers the period June 1, 2005, through May 31, 2006. The preliminary results of review are currently due no later than March 2, 2007.

Extension of Time Limit for Preliminary Results of Review

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period.

The Department finds that it is not practicable to complete the preliminary results of the administrative review of folding metal tables and chairs from the PRC within this time limit. Specifically, due to complex issues related to the selection of surrogate values, we find that additional time is needed to complete these preliminary results. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for completion of the preliminary results of this review by 90 days until May 31, 2007.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: March 1, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–4048 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Forged Stainless Steel Flanges From India; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission and Intent To Rescind

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain forged stainless steel flanges (stainless steel flanges) from India manufactured by Echjay Forgings Ltd. (Echjay), Rollwell Forge, Ltd. (Rollwell), and Shree Ganesh Forgings, Ltd. (Shree Ganesh). The period of review (POR) covers February 1, 2005, through January 31, 2006. We preliminarily determine that Echjay did not sell subject merchandise in the United States at less than normal value (NV) during the POR. In addition, we preliminarily determine to apply an adverse facts available (AFA) rate to Rollwell's sales. We also preliminarily determine that Shree Ganesh had no entries of subject merchandise during the POR.

We invite interested parties to comment on these preliminary results. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issues and (2) a brief summary of the argument.

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2924 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 9, 1994, the Department published the antidumping duty order on stainless steel flanges from India. *See Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges from India*, 59 FR 5994 (February 9, 1994) (*Amended Final Determination*). On February 1, 2006, the Department published the *Notice of Opportunity to Request Administrative Review* for this order covering the POR. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 71 FR 5239 (February 1, 2006). On February 28, 2006, we received requests for an administrative review for the period February 1, 2005, through January 31, 2006, from Echjay and Shree Ganesh. We also received requests for a new shipper review and, failing that, an administrative review,[1] from Kunj Forgings Pvt. Ltd. (Kunj), Micro Forge (India) Ltd. (Micro), Pradeep Metals Limited (Pradeep), and Rollwell Forge, Ltd. (Rollwell). On April 5, 2006, we initiated administrative reviews of the six companies. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Reviews*, 71 FR 17077 (April 5, 2006).

On November 1, 2006, we extended the time limit for the preliminary results of this administrative review to February 28, 2007. *See Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review: Certain Forged Stainless Steel Flanges from India*, 71 FR 64245 (November 1, 2006).

Echjay

On April 5, 2006, the Department issued its initial questionnaire to Echjay. Echjay submitted its section A response on May 8, 2006, and its section B and C responses on May 30, 2006. The Department issued a supplemental questionnaire on November 1, 2006, to which Echjay responded on November 15, 2006. On December 27, 2006, Echjay submitted audited financial statements, revised section B and C data and calculations for fields that changed as a result of changes in the financial statement. On February 27, 2007, Echjay submitted a sales reconciliation.

On December 21, 2006, Echjay requested revocation on the basis it had three years of zero or *de minimis* margins. Echjay also submitted the required certifications pursuant to 19 CFR 351.222. However, this request was filed nearly ten months after the deadline for filing such requests under 19 CFR 351.222(e)(1). This delay prevented the Department from timely notifying interested parties of Echjay's possible revocation, as well as planning and conducting verification, both of which are required by 19 CFR 351.222(f). The Department will not therefore entertain this request in this review.

Rollwell

The Department sent its questionnaires to Rollwell on April 5, 2006. Rollwell submitted its response to the section A questionnaire on May 8, 2006. It submitted its responses to sections B and C on May 31, 2006. The Department issued a supplemental section A, B, and C questionnaire to Rollwell on November 1, 2006. Rollwell submitted its response to that supplemental questionnaire on

---

[1] On April 6, 2006, the Department published a notice initiating new shipper reviews of Kunj, Micro, Pradeep, and Rollwell. *See Stainless Steel Flanges from India: Notice of of Initiation of Antidumping Duty New Shipper Reviews,* 71 FR 17439 (April 6, 2006). On September 29, 2006, we rescinded the new shipper reviews with respect to Micro, Pradeep, and Rollwell. *See Certain Forged Stainless Steel Flanges from India: Notice of Partial Rescission of New Shipper Reviews*, 71 FR 57468 (September 29, 2006).

November 21, 2006. Rollwell also submitted a revised sales listings on December 14, 2006. On February 2, 2007, the Department issued a second supplemental questionnaire to Rollwell to which Rollwell submitted its response on February 12, 2007.

Scope of the Order

The products covered by this order are certain forged stainless steel flanges, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld-neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the scope of the order.

Intent To Rescind and Partial Rescission of the Administrative Review

As previously stated, in their requests for review Kunj, Micro, Pradeep, and Rollwell requested a new shipper review, and failing that, an administrative review. Subsequent to initiating the new shipper reviews the Department conducted a data query of entry information from U.S. Customs and Border Protection (CBP). We determined, based on our review of those data, that Micro and Pradeep [2] had no entries during the POR, and therefore do not qualify for an administrative review for the period February 1, 2005, through January 31, 2006. *See* Memorandum to the File dated August 23, 2006. We gave interested parties an opportunity to comment on this determination and received no comments. We are therefore rescinding the administrative review with respect to Micro and Pradeep.[3]

With respect to Kunj, we determined that Kunj qualifies for a new shipper review for the period February 1, 2005, through January 31, 2006. *See id.* Therefore, since we are conducting a new shipper review of Kunj for the period covered by this administrative review, we are rescinding the administrative review for Kunj pursuant to 19 CFR 351.214(j).

With respect to Rollwell, we determined that Rollwell does not qualify for a new shipper review for the period February 1, 2005, through January 31, 2006, but does qualify for an administrative review for the same period. *See id.*

With respect to Shree Ganesh, this company submitted a section C response in which it claimed it had shipments to the United States during the POR. However, our data query showed no entries from this company during the POR. *See* Memorandum to the File dated June 30, 2006, titled ''U.S. Entry Documents—Stainless Steel Flanges from India.'' We are therefore issuing this notice as an intent to rescind the administrative review of Shree Ganesh based on the fact that the company had no entries during the POR of subject merchandise. We invite comments from interested parties on this intent to rescind.

Rollwell

Use of Adverse Facts Available

In accordance with sections 776(a)(1) and (2) of the Tariff Act of 1930, as amended (the Tariff Act), the Department has determined that the use of AFA is appropriate for purposes of determining the preliminary dumping margin for the subject merchandise sold by Rollwell. Pursuant to sections 776(a)(1) and (2) of the Tariff Act the Department shall (with certain exceptions not applicable here) use the facts otherwise available in reaching applicable determinations under this subtitle if an interested party (A) withholds information that has been requested by the administrating authority; (B) fails to provide such information by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Tariff Act; (C) significantly impedes a proceeding under this subtitle; or (D) provides such information but the information cannot be verified as provided in section 782(i). *See* Tariff Act section 776(a)(2). Moreover, section 776(b) of the Tariff Act provides, in relevant part, that:

> If the administering authority finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission (as the case may be), in reaching the applicable determination under this subtitle, may use an inference that is adverse to the interests of the party in selecting from among the facts otherwise available. *Id.*

As described below, we find that Rollwell has significantly impeded this proceeding by failing to provide usable data upon which we can calculate an antidumping margin. Moveover, we find that Rollwell has failed to cooperate to the best of its ability. We therefore determine that the use of AFA is appropriate for these preliminary results. However, because of the unusual circumstances of this review with respect to Rollwell (notably the length of time it took to ascertain the appropriate U.S. sales to analyze), we have also determined to issue Rollwell another supplemental questionnaire to provide it with yet another opportunity to correct numerous deficiences in its responses. Based on its response to this supplemental questionnaire, we will consider calculating a margin for Rollwell for the final results of review.

As previously stated, the Department sent standard section A, B, and C questionnaires to Rollwell on April 5, 2006. Rollwell submitted its response to the section A questionnaire on May 8, 2006. Rollwell submitted its responses to sections B and C on May 30, 2006. However, the Department found serious deficiencies in all three of these responses, and also found reason to question whether Rollwell had reported all of its U.S. sales, and whether any of those it did report were actual consumption entries during the POR. Therefore the Department sent a supplemental section A, B, and C questionnaire to Rollwell on November 1, 2006. Rollwell submitted its response to this supplemental questionnaire on November 21, 2006. However, upon examining Rollwell's response, the Department again found that there were grounds to question whether Rollwell had consumption entries during the POR that would qualify Rollwell for an administrative review. The Department accordingly made a telephonic inquiry

[2] Micro and Pradeep are the subjects of a semi-annual new shipper review for the period February 1, 2006, through July 31, 2006. *See Stainless Steel Flanges from India: Notice of Initiation of Antidumping Duty New Shipper Reviews*, 71 FR 59081 (October 6, 2006).

[3] As previously indicated, we rescinded the new shipper reviews with respect to Micro, Pradeep, and Rollwell for the period February 1, 2005, through July 31, 2006. *See Certain Forged Stainless Steel Flanges from India: Notice of Partial Rescission of New Shipper Reviews,* 71 FR 57468 (September 29, 2006).

to Rollwell's counsel to discuss the likelihood of any additional U.S. sales. In response, Rollwell submitted a revised U.S. sales listing on December 14, 2006. The Department found there were reviewable U.S. sales in this listing which Rollwell had not reported earlier, but also found substantial discrepancies in the submission with respect to reported cost data. The Department issued a supplemental questionnaire on February 2, 2007, including a request that Rollwell respond to section D of the April 5, 2006, questionnaire. Rollwell submitted its response on February 12, 2007.

Upon reviewing the various submissions Rollwell has made during the POR, the Department has determined that the deficiencies in Rollwell's submitted data (described below) are so pervasive that the Department cannot rely upon Rollwell's data to calculate a margin. Furthermore, by repeatedly providing deficient responses Rollwell has failed to act to the best of its ability in responding to the Department's requests for information.

Rollwell had two shipments of subject flanges that entered the United States during the POR. Rollwell sold both of these shipments prior to the POR, but the shipments entered U.S. Customs territory during the POR. However, Rollwell did not report these U.S. sales until it made its December 14, 2006, submission, after the Department had prompted it a second time to search among its records for any U.S. shipments it may have had that would qualify for review. Furthermore, Rollwell did not report the home market sales contemporaneous with the U.S. sales until it responded to the Department's second supplemental questionnaire issued February 2, 2007. The Department had previously stated the need to report any contemporaneous home market sales in its original April 5, 2006, questionnaire and again in its November 1, 2006, supplemental questionnaire. Furthermore, the Department found Rollwell's allocation method for the costs it reported on its home market and U.S. sales listings to be inadequate because it was dependent upon estimated data rather than actual data. This inadequacy made it impossible for us to rely upon these costs in performing the twenty percent difference-in-merchandise test for purposes of determining the most suitable home market match for U.S. sales. Furthermore, when Rollwell submitted its section D response we found its reported raw material costs to be aberrational. Moreover, Rollwell did not submit a home market sales reconciliation, as requested in the April 5, 2006, questionnaire and again in the February 2, 2007, supplemental questionnaire. Thus, it has withheld information requested by the Department. *See* section 776(a)(2)(A) of the Tariff Act. For further examples and more specific information about the deficiencies, *see* Corroboration Memorandum, February 28, 2007.

In light of the foregoing deficiencies, the Department preliminarily determines that necessary information is not available on the record to serve as the basis for the calculation of Rollwell's margin. *See* section 776(a)(1) of the Tariff Act. We also determine that Rollwell withheld requested information and has significantly impeded this proceeding. *See* section 776(a)(2)(A) and (C) of the Tariff Act. As a result, we are basing Rollwell's margin on the facts otherwise available, in accordance with sections 776(a)(1) and (2)(A) and (C) of the Tariff Act. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Certain Orange Juice From Brazil*, 71 FR 2183 (January 13, 2006). *See also Notice of Final Determination of Sales of Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55794–96 (Aug. 30, 2002); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Products From Brazil*, 65 FR 5554, 5567 (Feb. 4, 2000); *Static Random Access Memory Semiconductors from Taiwan: Final Determination of Sales at Less than Fair Value*, 63 FR 8909 (Feb. 23, 1998).

If the Department finds that an interested party ''has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department may use information that is adverse to the interests of the party as the facts otherwise available. *See* section 776(b) of the Tariff Act. Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See Statement of Administrative Action* (SAA) accompanying the Uruguay Round Agreement Act, H. Doc. No. 316, 103d Cong., 2nd Session, Vol. 1 (1994) at 870. In determining whether a respondent has failed to cooperate to the best of its ability, the Department need not make a determination regarding the willfulness of a respondent's conduct. *See Nippon Steel Corp.* v. *United States*, 337 F.3d 1373, 1379–1384 (Fed. Cir. 2003). Furthermore, ''affirmative evidence of bad faith on the part of a respondent is not required before the Department may make an adverse inference.'' *Antidumping Duties; Countervailing Duties:* Final Rule, 62 FR 27296, 27340 (May 19, 1997).

In determining whether a party failed to cooperate to the best of its ability, the Department considers whether a party could comply with the request for information, and whether a party paid insufficient attention to its statutory duties. *See Pacific Giant Inc.* v. *United States*, 223 F. Supp 2d 1336, 1342–43 (CIT 2002). Furthermore, the Department also considers the accuracy and completeness of submitted information, and whether the respondent has hindered the calculation of accurate dumping margins. *See Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819–53820 (October 16, 1997). The Department determines that Rollwell could comply with its requests for information but failed to do so, thereby failing to act to the best of its ability. Here, the Department finds that Rollwell has failed to provide relevant U.S. and home market sales until after it was prompted twice to do so following issuance of the original questionnaire, and has hindered the calculation of accurate dumping margins by failing to provide usable cost data in its sales listings and section D response.

Under the statutory scheme, adverse inferences may include reliance on: Information derived from (1) the petition; (2) a final determination in the investigation; (3) any previous review or determination; or (4) any other information placed on the record. *See* section 776(b) of the Tariff Act. The SAA authorizes the Department to consider the extent to which a party may benefit from its own lack of cooperation. *Id.* The Department's practice when selecting an adverse rate from among the possible sources of information is to ensure that the margin is sufficiently adverse to induce the respondents to provide the Department with complete and accurate information in a timely manner. *See Notice of Final Determination of Sales of Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55796 (Aug. 30, 2002). Because entries into the United States by Rollwell are currently subject to the ''All Others'' cash deposit rate of 162.14 percent, the Department determines that assigning the highest margin from the original petition and investigation in

this case, 210.00 percent, as AFA will prevent Rollwell from benefitting from its failure to cooperate with the Department's requests for information. *See Amended Final Determination.* Furthermore, a lower rate would effectively reward Rollwell for not cooperating by not acting to the best of its ability.

Section 776(c) of the Tariff Act provides that when the Department relies on the facts otherwise available and relies on ''secondary information,'' the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The SAA states that ''corroborate'' means to determine that the information used has probative value. *See SAA* at 870. To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used.

To assess the reliability of the petition margin in accordance with section 776(c) of the Tariff Act, to the extent practicable, we examined the key elements of the calculations of export price and normal value upon which the margins in the petition were based. (For discussion of ''reliance on secondary information,'' standard under section 776(c) of the Tariff Act, please *see* Corroboration Memorandum.) The U.S. prices in the petition were based upon quotes to U.S. customers, most of which were obtained through market research. *See Petition for the Imposition of Antidumping Duties*, December 29, 1993. The Department was able to corroborate the U.S. price in the petition which was used as the basis of the 210.00 percent rate by comparing this price to publicly available information based on IM–145 import statistics from the U.S. International Trade Commission's Web site via Dataweb for HTS numbers 7307215000 and 7307211000. The NVs in the petition were based on actual price quotations obtained through market research. At present, the Department is not aware of other independent sources of information at its disposal which would enable it to corroborate the margin calculations in the petition further.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal as to whether there are circumstances which would render a margin not relevant. The implementing regulation for section 776 of the Tariff Act, codified at 19 CFR 351.308(d), states, ''{t}he fact that corroboration may not be practicable in a given circumstance will not prevent the Secretary from applying an adverse inference as appropriate and using the secondary information in question.'' Additionally, the SAA at 870 states specifically that, where ''corroboration may not be practicable in a given circumstance,'' the Department may nevertheless apply an adverse inference. The SAA at 869 emphasizes that the Department need not prove that the facts available are the best alternative information.

Where circumstances indicate that the selected margin is not appropriate as AFA the Department will disregard the margin and determine an appropriate margin. *See Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996) (the Department disregarded the highest dumping margin as best information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin).

The rate to which Rollwell's entries are currently subject is 162.14 percent. The Department's practice when selecting an adverse rate from among the possible sources of information is to ensure that the margin is sufficiently adverse ''as to effectuate the purpose of the facts available role to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55796 (August 30, 2002). Accordingly, the Department will apply a 210 percent AFA rate, a rate which the Department finds is sufficiently adverse to encourage Rollwell to provide the Department with complete and accurate information. Furthermore, the Department is not aware of any circumstances which would render this rate inappropriate. In fact, other Indian manufacturers currently have a 210 percent margin under this order. *See e.g., Certain Forged Stainless Steel Flanges from India: Notice of Final Results of Antidumping Duty Administrative Review*, 71 FR 29314, (May 22, 2006).

Therefore, based on the Department's efforts described above to corroborate information contained in the petition, and in accordance with section 776(c) of the Tariff Act which discusses facts available and corroboration, the Department considers the margins in the petition to be corroborated to the extent practicable for purposes of this preliminary determination. *See Certain Cut-to-Length Carbon Steel Plate from Mexico: Final Results of Antidumping Duty Administrative Review*, 64 FR 76, 84 (January 4, 1999).

Date of Sale

In determining the appropriate date of sale, the Department normally uses the date of invoice as the date of sale. *See* 19 CFR 351.401(i); *see also Allied Tube and Conduit Corp.* v. *United States*, 132 F. Supp. 2d 1087 (CIT 2001). Moreover, the preamble to the Department's regulations expresses a strong preference for the Department to choose a single date of sale across the full POR. *See Antidumping Duties; Countervailing Duties: Final Rule*, 62 FR 27296, 27349 (May 19, 1997). For these preliminary results, the Department will use the invoice date as the appropriate date of sale for the POR for Echjay, because this date best represents the date upon which the material terms of sale are set.

Normal Value Comparisons

To determine whether sales of subject merchandise to the United States by Echjay were made at less than NV, we compared constructed export price (CEP) to the NV (as described in the ''Export Price and Constructed Export Price'' and ''Normal Value'' sections of this notice, below). In accordance with section 777A(d)(2) of the Tariff Act, the Department calculated monthly weighted-average prices for NV and compared these to the prices of individual EP or CEP transactions.

Product Comparisons

In accordance with section 771(16) of the Tariff Act, the Department considered all products described by the Scope of the Order section, above, produced and sold by Echjay in the home market to be foreign like products for purposes of determining appropriate comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics and reporting instructions listed in the Department's questionnaire. Where there were no sales of identical or similar merchandise in the home market suitable for comparing to U.S. sales, the Department compared these sales to constructed value (CV), pursuant to sections 773(a)(4) and 773(e) of the Tariff Act.

Export Price and Constructed Export Price

In accordance with section 772(a) of the Tariff Act, EP is defined as the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or

exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States, or to an unaffiliated purchaser for exportation to the United States, as adjusted under section 772(c) of the Tariff Act. In accordance with section 772(b) of the Tariff Act, CEP is the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter, as adjusted under subsections (c) and (d).

Based on the record evidence, the Department preliminarily determines that Echjay's U.S. sales, all of which were through its U.S. affiliate Echjay U.S.A., Inc., to unaffiliated customers in the United States were made in the United States within the meaning of section 772(b) of the Tariff Act and thus are properly classified as CEP sales.

The Department calculated CEP based on the prices charged to the first unaffiliated customer in the United States. The Department based CEP on the packed CIF duty paid prices to the first unaffiliated purchasers in the United States. The Department made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act, including foreign inland freight, foreign brokerage and handling, ocean freight, and marine insurance. The Department also deducted those selling expenses incurred in selling the subject merchandise in the United States, including direct selling expenses (*e.g.*, bank commissions and charges, documentation fees) and imputed credit. In accordance with section 772(d)(3) of the Tariff Act, the Department deducted an amount for profit allocated to the expenses deducted pursuant to sections 772(d)(1) and (2) of the Tariff Act. *See* Analysis Memorandum for more details.

Duty Drawback

Section 772(c)(1)(B) of the Tariff Act provides that EP or CEP shall be increased by among other things, ''the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States.'' The Department determines that an adjustment to U.S. price for claimed duty drawback is appropriate when a company can demonstrate that there is (i) a sufficient link between the import duty and the rebate, and (ii) sufficient imports of the imported material inputs to account for the duty drawback received for the export of the manufactured product (the so-called ''two-prong test''). *See Rajinder Pipes, Ltd.* v. *United States*, 70 F. Supp. 2d 1350, 1358 (Ct. Int'l Trade 1999).

Echjay claimed it received duty drawback from the Indian government which it books in an ''Export Incentives Ledger.'' *See* Echjay's Section C Response at Annexure I. The Department finds that Echjay has not provided substantial evidence on the record to meet the requirement of the first prong of the two-prong test, to wit, to establish the necessary link between the import duty and the reported rebate for duty drawback. Even if Echjay provided evidence demonstrating that it received duty drawback in the form of certificates issued by the Government of India and recorded them in a particular category of the ledger, Echjay has failed to establish the sufficient link between the import duty paid and the rebate given by the Government of India. Echjay's response suggests that much of the duty drawback certificate program has no bearing on home market import duties of any kind. Therefore, the Department is denying a duty drawback credit for the preliminary results of this review.

Normal Value

In determining NV, the statute requires the Department to determine the price at which the foreign like product is first sold (or, in the absence of a sale, offered for sale) for consumption in the exporting country in the usual commercial quantities and in the ordinary course of trade and, to the extent practicable, at the same level of trade as the export price or constructed export price. In order to determine whether there is sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product during the POR is equal to or greater than five percent of the aggregate volume of U.S. sales of subject merchandise during the POR), the Department compared the volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise. The Department found no reason to determine that quantity was not the appropriate basis for these comparisons, so value was not used. *See* section 773(a)(1)(C) of the Tariff Act; *see also* 19 CFR 351.404(b)(2). Therefore, the Department based NV for Echjay on home market sales to unaffiliated purchasers made in the usual quantities and in the ordinary course of trade.

The Department based its comparisons of the volume of U.S. sales to the volume of home market and third country sales on reported stainless steel flange weight, rather than on number of pieces. The record demonstrates that there can be large differences between the weight (and corresponding cost and price) of stainless steel flanges based on relative sizes, so comparisons of aggregate data would be distorted for these products if volume comparisons were based on the number of pieces.

Price-to-Price Comparisons

The statue requires the Department to determine whether subject merchandise is being, or is likely to be, sold at less than fair value by making a fair comparison between the EP or CEP and NV under section 773 of the Tariff Act. For Echjay, the Department compared its U.S. sales with contemporaneous sales of the foreign like product in India. As noted, the Department considered stainless steel flanges identical based on the following five criteria: Grade; type; size; pressure rating; and finish. The Department used a 20 percent difference-in-merchandise (difmer) cost deviation cap as the maximum difference in cost allowable for similar merchandise, which we calculated as the absolute value of the difference between the U.S. and comparison market variable costs of manufacturing divided by the total cost of manufacturing of the U.S. product. The Department made adjustments for differences in packing costs between the two markets and for movement expenses in accordance with sections 773(a)(6)(A) and (B) of the Tariff Act. The Department adjusted for differences in the circumstances of sale (COS) pursuant to section 773(a)(6)(C)(iii) of the Tariff Act and 19 CFR 351.410. Finally, for Echjay the Department made adjustments in accordance with 19 CFR 351.410(e) for indirect selling expenses incurred in the home market or United States where commissions were granted on sales in one market but not in the other (the ''commission offset'').

Constructed Value

In accordance with section 773(a)(4) of the Tariff Act, the Department bases NV on CV if it is unable to find a contemporaneous comparison market match for the U.S. sale. Where the Department based NV on CV, CV is calculated based on the cost of materials and fabrication employed in producing the subject merchandise, SG&A, and profit. In accordance with section 772(e)(2)(A) of the Tariff Act, the

Department bases SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. For selling expenses, the Department uses the weighted-average comparison market selling expenses. Where appropriate, the Department has made COS adjustments to CV in accordance with section 773(a)(8) of the Tariff Act and 19 CFR 351.410. For comparisons to EP, the Department has made COS adjustments by deducting home market direct selling expenses and adding U.S. direct selling expenses.

Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Tariff Act, to the extent practicable, the Department determines NV based on sales in the home market at the same level of trade (LOT) as EP or the CEP. The NV LOT is that of the starting-price sales in the home market or, when NV is based on CV, that of the sales from which we derive SG&A expenses and profit. For CEP, it is the level of the constructed sale from the exporter to an affiliated importer after the deductions required under section 772(d) of the Tariff Act.

To determine whether NV sales are at a different LOT than EP or CEP, the Department examines stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer, for example channels of distribution processing, packing and shipping. If the comparison-market sales are at a different LOT and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, the Department makes a LOT adjustment under section 773(a)(7)(A) of the Tariff Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, the Department adjusts NV under section 773(a)(7)(B) of the Tariff Act (the CEP-offset provision). *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731, 61732–33 (November 19, 1997).

In implementing these principles in this review, the Department obtained information from Echjay about the marketing stages involved in its U.S. and home market sales, including a description of the selling activities in the respective markets. In identifying levels of trade for CEP, the Department considered only the selling activities reflected in the price after the deduction of expenses and profit under section 772(d) of the Tariff Act. *See Micron Technology* v. *United States,* 243 F.3d 1301, 1314 (Fed. Cir. 2001). Generally, if the reported levels of trade are the same in the home and U.S. markets, the functions and activities of the seller should be similar. Conversely, if a party reports differences in levels of trade, the functions and activities should be dissimilar.

Echjay reported one channel of distribution and one LOT in the home market, contending that home market sales to distributors and wholesalers were made at the same level of trade and involved the same selling activities. *See* Echjay's Section A Response at 13–15. In fact, all merchandise for both Echjay was sold in the home market on *ex works* terms. *See, e.g.*, Echjay's Section B Response at 7. After examining the record evidence provided, the Department preliminarily determines that a single LOT exists for Echjay in the home market.

The record evidence supports a finding that in both markets and in all channels of distribution, Echjay performs essentially the same level of selling activities such as order processing, shipping and invoicing of sales, and processing of payments. Thus, with respect to selling functions for sales, marketing support, freight, and delivery, we find them to be similar. Based on our analysis of the selling functions performed on CEP sales in the United States and of sales in the home market, the Department determines that the CEP and the starting price of home market sales represent the same stage in the marketing process and are thus at the same LOT. Accordingly, the Department preliminarily finds that no level of trade adjustment or CEP offset is appropriate for Echjay.

Currency Conversions

The Department made currency conversions into U.S. dollars in accordance with section 773(a) of the Tariff Act, based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank of the United States.

Preliminary Results of Review

As a result of our review the Department preliminarily finds the following weighted-average dumping margins exist for the period February 1, 2005, through January 31, 2006:

Manufacturer/exporter	Margin (percent)
Echjay Forgings, Pvt. Ltd	0.06
Rollwell Forge, Ltd	210.00

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication of the preliminary results. *See* CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date per 19 CFR 351.310(d).

Interested parties may submit case briefs or written comments no later than 30 days after the date of publication of these preliminary results of review. Pursuant to 19 CFR 309(d), rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 5 days after the time limit for filing the case briefs. Parties who submit argument in these proceedings are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Further, the Department requests parties submitting written comments to provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue final results of this administrative review, including the results of our analysis of the issues raised in any such written comments or at a hearing, within 120 days of publication of these preliminary results.

Assessment Rates

Upon completion of this administrative review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Notice of Policy Concerning Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment-Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by Echjay and Rollwell for which Echjay and Rollwell, respectively, did not know that the merchandise it sold to an intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will

instruct CBP to liquidate unreviewed entries at the 162.14 percent all-others rate established in the original less than fair value (LTFV) investigation, if there is no rate for the intermediary involved in the transaction. *See* the Assessment-Policy Notice for a full discussion of this clarification.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of the administrative review (except that no deposit will be required if the rate is zero or *de minimis*, *i.e.*, less than 0.5 percent); (2) if the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (3) if neither the exporter nor the manufacturer is a firm covered in this review, any previous reviews, or the LTFV investigation, the cash deposit rate will be 162.14 percent, the ''all others'' rate established in the LTFV investigation. *See Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges from India,* 59 FR 5994 (February 9, 1994) (*Amended Final Determination*).

Notification to Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act and 19 CFR 351.221(b)(4).

Dated: February 28, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–4072 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–848

Freshwater Crawfish Tail Meat from the People's Republic of China: Preliminary Notice of Intent to Rescind New Shipper Reviews

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

SUMMARY: The Department of Commerce (''the Department'') is conducting new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (''PRC'') in response to requests from Nanjing Merry Trading Co., Ltd. (''Nanjing Merry''), Leping Lotai Foods Co., Ltd. (''Leping Lotai''), Weishan Hongrun Aquatic Food Co., Ltd. (''Weishan Hongrun''), and Shanghai Strong International Trading Co., Ltd. (''Shanghai Strong''). The period of review (''POR'') is September 1, 2005, through February 28, 2006. Because the sale(s) made by Weishan Hongrun were not bona fide, and neither Leping Lotai, Nanjing Merry, nor Shanghai Strong have demonstrated that they qualify for a separate rate, we have preliminarily determined that each of these new shipper reviews should be rescinded. Interested parties are invited to comment on this preliminary notice of intent to rescind.

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Scot Fullerton or P. Lee Smith, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1386 or (202) 482–1655, respectively.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (''the Act''), and in accordance with 19 CFR 351.214(c), the Department received timely requests for new shipper reviews from Shanghai Strong on March 24, 2006, from Nanjing Merry and Leping Lotai on March 27, 2006, and from Weishan Hongrun on March 31, 2006. *See Notice of Amendment to Final Determination of Sales at Less than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat from the People's Republic of China*, 62 FR 48218 (September 15, 1997).

The Department determined that the requests made by Nanjing Merry, Leping Lotai, and Weishan Hongrun met the requirements stated in section 351.214 of the Department's regulations. On May 5, 2006, the Department published its initiation of these new shipper reviews for the period September 1, 2005, through February 28, 2006. *See Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews*, 71 FR 26453 (May 5, 2006) (''*May 5, 2006, Initiation Notice*''). On May 1, 2006, pursuant to 19 CFR 351.302(b), the Department extended the time limit to initiate the new shipper review of Shanghai Strong by 30 days in order to provide the respondent with an opportunity to explain certain information in the entry documentation. On May 31, 2006, the Department determined that Shanghai Strong's request also met the requirements stated in section 351.214 of the Department's regulations, and published its initiation of this new shipper review. *See Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review*, 71 FR 30866 (May 31, 2006) (''*May 31, 2006, Initiation Notice*'').

The Department received section A questionnaire responses from Leping Lotai on June 3, 2006; Weishan Hongrun on June 5, 2006; Nanjing Merry on June 6, 2006; and from Shanghai Strong on June 15, 2006. The Department issued a supplemental section A questionnaire to Leping Lotai on June 16, 2006, and received a response on June 28, 2006. The Department also received section C and D questionnaire responses from Weishan Hongrun on June 22, 2006; from Leping Lotai and Nanjing Merry on June 27, 2006; and from Shanghai Strong on June 30, 2006.

On July 7, 2006, the Department issued a supplemental section A questionnaire to Shanghai Strong, and received a response from the company on July 20, 2006. On July 26, 2006, the Department issued a supplemental section A, C, and D questionnaire to Nanjing Merry, and received the company's response on August 22, 2006. On August 1, 2006, the Department issued a supplemental section C and D questionnaire to Shanghai Strong and Leping Lotai, to which both companies submitted a response on August 10, 2006. Additionally, on August 4, 2006, the Department issued a supplemental section A, C and D questionnaire to Weishan Hongrun, to which both companies submitted responses on September 1, 2006.

On September 25, 2006, Nanjing Merry submitted a letter in which it stated it would no longer participate in

the new shipper review and would not permit the verification of the information it had already placed on the record of its new shipper review. On October 2, 2006, Shanghai Strong and Leping Lotai also submitted letters indicating that neither company would permit the verification of the information each placed on the record of its new shipper review.

On October 11, 2006, the Department extended the due date for the preliminary results of the Leping Lotai, Nanjing Merry, and Weishan Hongrun new shipper reviews by 90 days from the original October 25, 2006, deadline. In addition, the Department extended the deadline for the preliminary results of the Shanghai Strong new shipper review by 65 days from the original November 19, 2006, deadline. Therefore, the preliminary results for all four of the above–referenced new shipper reviews were extended until January 23, 2007. *See Notice of Extension of the Preliminary Results of New Shipper Antidumping Duty Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China*, 71 FR 59738 (October 11, 2006). Moreover, On October 11, 2006, the Department issued a second supplemental questionnaire to Weishan Hongrun, to which the Department received a response on November 1, 2006.

On November 3, 2006, the Department issued a third supplemental questionnaire to Weishan Hongrun. On November 22, 2006, the Department rejected Weishan Hongrun's November 21, 2006, response based on certain filing inadequacies, but provided the company with an opportunity to correct the submission by November 27, 2006. On November 27, 2006, Weishan Hongrun submitted its response to question number 17 of the Department's November 3, 2006, supplemental questionnaire, and on November 28, 2006, Weishan Hongrun submitted its response to the remaining questions. On November 28, 2006, the Department issued its fourth supplemental questionnaire to Weishan Hongrun requesting, in part, that the company submit information which had been previously requested by the Department. On December 8, 2006, Weishan Hongrun submitted its response to the Department's November 28, 2006, supplemental questionnaire.

On December 15, 2006, the Department further extended the deadline for the preliminary results of the Leping Lotai, Nanjing Merry, Weishan Hongrun and Shanghai Strong new shipper reviews by an additional 30 days from the January 23, 2007, deadline until February 22, 2007. *See Notice of Extension of the Preliminary Results of New Shipper Antidumping Duty Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China*, 71 FR 75502 (December 15, 2006).

Scope of the Antidumping Duty Order

The product covered by this order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the new HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by the U.S. Customs Service in 2000, and HTSUS items 0306.19.00.10 and 0306.29.00, which are reserved for fish and crustaceans in general. The HTSUS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

Preliminary Intent to Rescind

Concurrent with this notice, we are issuing our memoranda detailing our analysis of the *bona fides* of Weishan Hongrun's U.S. sale and our preliminary decision to rescind based on the totality of the circumstances of the sale. *See* Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, Import Administration, through Christopher D. Riker, Program Manager, AD/CVD Operations, Office 9, from Scot Fullerton, Senior Case Analyst, AD/CVD Operations, Office 9, regarding *2005/2006 Antidumping Duty New Shipper Review of the Antidumping Duty Order on Freshwater Crawfish Tail Meat from the People's Republic of China: Bona Fide Analysis of the Sale(s) Reported by Weishan Hongrun Aquatic Food Co., Ltd.* (February 22, 2007) (''*Weishan Hongrun Memo*''). Although much of the information relied upon by the Department to analyze the issues is business proprietary, the Department based its determination that the new shipper sale made by Weishan Hongrun was not *bona fide* on the following: 1) the quantity and price of Hongrun's single sale; 2) the unreported business relationships/potential affiliations between Hongrun and other crawfish tail meat producers; 3) Hongrun's failure to establish the source of the initial investment capital used to form Hongrun; and finally, 4) the lack or regular commercial interest in the subject merchandise, and the circumstances surrounding the resale of the single POR sale.

Because the Department has found Weishan Hongrun's sale to be non–*bona fide*, it is not subject to review. *See Weishan Hongrun Memo*. Weishan Hongrun only made a single, non–bona fide sale during the POR. Therefore, the Department intends to rescind its new shipper review because there are no reviewable sales during the POR. *See e.g., Tianjin Tiancheng Pharmaceutical Co., Ltd. v. United States*, 366 F. Supp. 2d 1246, 1249 (CIT 2005).

Additionally, as referenced above, Leping Lotai, Nanjing Merry, and Shanghai Strong all submitted letters to the Department indicating they would not permit verification of the information placed on the record of the reviews. By not permitting the Department to verify the accuracy of the information each submitted to the Department, Leping Lotai, Nanjing Merry, and Shanghai Strong each failed to establish that they qualify for a separate rate. *See* Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, from Scot T. Fullerton and Prentiss Lee Smith, Case Analysts, through Christopher D. Riker, Program Manager, regarding *Freshwater Crawfish Tail Meat from The People's Republic of China: Intent to Rescind the New Shipper Review of Leping Lotai Foods Co.* (February 22, 2007); Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, from Scot T. Fullerton and Prentiss Lee Smith, Case Analysts, through Christopher D. Riker, Program Manager, regarding *Freshwater Crawfish Tail Meat from The People's Republic of China: Intent to Rescind the New Shipper Review of Nanjing Merry Trading Co., Ltd.* (February 22, 2007); Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, from Scot T. Fullerton and Prentiss Lee Smith, Case Analysts, through Christopher D. Riker, Program Manager, regarding *Freshwater Crawfish Tail Meat from The People's Republic of China: Intent to Rescind the New Shipper Review of Shanghai Strong International Trading Co., Ltd.* (February 22, 2007).

To establish whether a company operating in a non market economy (''NME'') is sufficiently independent from the Government to be eligible for a separate rate, the Department analyzes each exporting entity under the test

established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994). Under the separate–rates criteria, the Department assigns separate rates in NME cases only if the respondent can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

By failing to allow the Department to verify the accuracy of their submissions, Leping Lotai, Nanjing Merry, and Shanghai Strong, have not demonstrated they are free of government control and are therefore not eligible to receive a separate rate. In the Notices of Initiation, the Department stated that an exporter unable to demonstrate the company's eligibility for a separate rate does not meet the requirements of 19 CFR 351.214(b)(2)(iii) and its new shipper review will be rescinded. *See May 5, 2006, Initiation Notice* at 26454; *see also May 31, 2006, Initiation Notice* at 30866. Therefore, the Department is preliminarily rescinding the new shipper reviews of Leping Lotai, Nanjing Merry, and Shanghai Strong. *See, e.g., Notice of Preliminary Results of Antidumping Duty New Shipper Review and Rescission of New Shipper Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China*, 69 FR 53669 (September 2, 2004); *see also Brake Rotors From the People's Republic of China: Rescission of Second New Shipper Review and Final Results and Partial Rescission of First Antidumping Duty Administrative Review*, 64 FR 61581 (November 12, 1999).

Schedule for Final Results of Review

Unless otherwise notified by the Department, interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with section 351.309(c)(ii) of the Department's regulations. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the case brief is filed.

Any interested party may request a hearing within 30 days of publication of this notice in accordance with section 351.310(c) of the Department's regulations. Any hearing would normally be held 37 days after the publication of this notice, or the first workday thereafter, at the U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Requests for a public hearing should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. If a hearing is held, an interested party must limit its presentation only to arguments raised in its briefs. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

The Department will issue the final results of this new shipper review, which will include the results of its analysis of issues raised in the briefs, within 90 days from the date of the preliminary results, unless the time limit is extended.

Notification

This notice serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

These new shipper reviews and this notice are published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: February 22, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–4068 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–812, A–570–863]

Honey From Argentina and the People's Republic of China; Final Results of the Expedited Five-Year (''Sunset'') Reviews of Antidumping Duty Orders

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

SUMMARY: On November 1, 2006, the Department of Commerce (the Department) initiated sunset reviews of the antidumping duty orders on honey from Argentina and the People's Republic of China (PRC) pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). On the basis of notices of intent to participate and adequate substantive responses filed on behalf of domestic interested parties, and no response from respondent interested parties, the Department conducted expedited (120-day) sunset reviews of these antidumping duty orders. As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping at the levels identified below in the ''Final Results of Review'' section of this notice.

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION: Deborah Scott, AD/CVD Operations, Office 7 (Argentina), Catherine Bertrand, AD/CVD Operations, Office 9 (PRC) or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2657, (202) 482–3207 or (202) 482–1391, respectively.

SUPPLEMENTARY INFORMATION

Background

On November 1, 2006, the Department initiated sunset reviews of the antidumping duty orders on honey from Argentina and the PRC pursuant to section 751(c) of the Act. *See Initiation of Five-Year (''Sunset'') Reviews*, 71 FR 64242 (November 1, 2006). The Department received notices of intent to participate from two domestic interested parties, American Honey Producers Association and Sioux Honey Association (collectively, domestic interested parties), within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations. Domestic

interested parties claimed interested party status under section 771(9)(C) of the Act as U.S. producers of a domestic like product and under section 771(9)(E) as a trade association whose members produce the domestic like product in the United States. We received complete substantive responses from domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). However, we did not receive any responses from any respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited sunset reviews of these orders.

Scope of the Orders

For purposes of these orders, the products covered are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise covered by these orders is currently classifiable under subheadings 0409.00.00, 1702.90.90, and 2106.90.99 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under this order is dispositive.

Analysis of Comments Received

All issues raised in these cases are addressed in the ''Issues and Decision Memorandum'' from Stephen Claeys, Deputy Assistant Secretary for AD/CVD Operations, Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated March 1, 2007 (Decision Memorandum), which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these sunset reviews 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 Memorandum can be accessed directly on the Internet at *http://ia.ita.doc.gov/frn/*. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Sunset Reviews

We determine that revocation of the antidumping duty orders on honey from Argentina and the PRC would likely lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturers/exporters/producers	Weighted-average margin (percent)
Argentina:	
Asociacion de Cooperativas Argentinas (ACA)	37.44
Radix S.R.L. (Radix)	32.56
ConAgra Argentina	60.67
All Others	35.76
PRC:	
Inner Mongolia Autonomous Region Native Produce and Animal By-Products Import and Export Corporation	57.13
Kunshan Foreign Trading Co	49.60
Zhejiang Native Produce and Animal By-Products Import and Export Corp	25.88
High Hope International Group Jiangsu Foodstuffs Import and Export Corp	45.46
Shanghai Eswell Enterprise Co., Ltd	45.46
Anhui Native Produce Import and Export Corporation	45.46
Henan Native Produce Import and Export Corporation	45.46
PRC-Wide rate	183.80

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and this notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: March 1, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–4052 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–533–810)

Notice of Preliminary Results of Antidumping Duty Administrative Review, Intent to Rescind and Partial Rescission of Antidumping Duty Administrative Review: Stainless Steel Bar from India

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

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on stainless steel bar from India. The period of review is February 1, 2005, through January 31, 2006. This review covers imports of stainless steel bar from eight producers/exporters.

We preliminarily find that sales of the subject merchandise have been made below normal value. In addition, based on the preliminary results for the respondents selected for individual review, we have preliminarily determined a weighted–average margin for those companies for which a review was requested, but that were not selected for individual review.

If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection to assess antidumping duties

on appropriate entries. Interested parties are invited to comment on these preliminary results. We will issue the final results no later than 120 days from the date of publication of this notice.

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Scott Holland 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) 482–1279 or (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, the Department of Commerce (the ''Department'') published in the **Federal Register** the antidumping duty order on stainless steel bar (''SSB'') from India. *See Antidumping Duty Orders: Stainless Steel Bar form Brazil, India and Japan*, 60 FR 9661 (February 21, 1995). On February 1, 2006, the Department published a notice in the **Federal Register** providing an opportunity for interested parties to request an administrative review of the antidumping duty order on SSB from India for the period of review (''POR''), February 1, 2005, through January 31, 2006. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 71 FR 5239 (February 1, 2006).

On February 4, 2006, we received a timely request for review from Isibars Limited (''Isibars''). On February 28, 2005, Carpenter Technology Corporation, Crucible Specialty Metals, a division of Crucible Materials Corporation, Electralloy Company, North American Stainless, Universal Stainless, and Valbruna Slater Stainless (collectively, the ''petitioners'') requested an administrative review of 9 companies: the Viraj Group, including but necessarily limited to Viraj Alloys, Ltd. (''VAL''), Viraj Forgings, Ltd. (''VFL''), Viraj Impoexpo, Ltd. (''VIL''), Viraj Smelting, Viraj Profiles, and VSL Wires, Ltd.;[1] Akai Asian (''Akai''); Atlas Stainless (''Atlas''); Bhansali Bright Bars Pvt. Ltd. (''Bhansali''); Grand Foundry, Ltd. (''Grand Foundry''); Meltroll Engineering Pvt. Ltd. (''Meltroll''); Sindia Steels Limited (''Sindia''); Snowdrop Trading Pvt. Ltd. (''Snowdrop''); and Venus Wire Industries Pvt. Ltd. (''Venus''). On February 28, 2006, we received timely review requests from Facor Steels, Ltd. (''Facor''), and Mukand Ltd. (''Mukand'').

On April 5, 2006, in accordance with section 751(a) of the Tariff Act of 1930, as amended (''the Act''), we initiated an administrative review on Akai Asian, Atlas, Bhansali, Facor, Grand Foundry, Isibars, Meltroll, Mukand, Sindia, Snowdrop, Venus, and conditionally initiated an administrative review with respect to Viraj Alloys, Ltd., Viraj Impoexpo, Ltd., Viraj Forgings, Ltd., Viraj Smelting, Viraj Profiles, and VSL Wires, Ltd., (collectively, the ''Viraj entities''). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Reviews*, 71 FR 17077 (April 5, 2006) (''Initiation Notice''). For further discussion of the Department's treatment of the Viraj entities in this administrative review, please see the ''Partial Rescission of Review'' section of this notice.

In April 2006, we requested information concerning the quantity and value of sales to the United States from the 12 producers/exporters listed in the *Initiation Notice*. The Department received responses from all of the exporters/producers in April and May of 2006. Akai, Atlas, and Meltroll notified the Department that they had no shipments of the subject merchandise to the United States during the POR.

On June 7, 2006, the Department determined that it was not practicable to make individual antidumping duty findings for each of the 12 companies involved in this administrative review. Therefore, we selected Venus and Bhansali (collectively, ''the respondents'') for individual reviews. *See* Memorandum from Scott Holland to Susan H. Kuhbach, Senior Office Director, ''*Stainless Steel Bar from India: Respondent Selection,'' dated June 7, 2006, (''Respondent Selection Memorandum*'') which is on file in the Central Records Unit (''CRU'') in room B–099 of the main Department building. For further discussion see the ''Respondent Selection'' section below.

On June 8, 2006, the Department issued antidumping duty questionnaires to the respondents. At that time, we instructed each of the respondents to respond to the cost section of the questionnaire because we had disregarded certain below–cost sales in the most recently completed review in which the companies participated. *See Stainless Steel Bar from India; Final Results of Antidumping Duty Administrative Review and New Shipper Review*, 64 FR 13771 (March 22, 1999) (Bhansali); *see also Stainless Steel Bar from India; Final Results of Antidumping Duty Administrative Review*, 68 FR 47543 (August 11, 2003) (Venus).

The respondents submitted their initial responses to the antidumping questionnaire from July 2006 through August 2006. After analyzing these responses, we issued supplemental questionnaires to the respondents to clarify or correct information contained in the initial questionnaire responses. We received timely responses to these questionnaires. The petitioners submitted comments on the questionnaire responses in August, September and October 2006.

On October 20, 2006, the Department found that, due to the complexity of the issues in this case, including affiliation and cost of production, and outstanding supplemental responses, it was not practicable to complete this review within the time period prescribed. Accordingly, we extended the time limit for completing the preliminary results of this review to no later than February 28, 2007, in accordance with section 751(a)(3)(A) of the Act. *See Stainless Steel Bar from India: Extension of Time Limit for Preliminary Results in Antidumping Duty Administrative Review*, 71 FR 61958 (October 20, 2006).

In January 2007, we requested comments from interested parties regarding the proper hierarchical order of one the model matching characteristics as described in the ''Fair Value Comparisons'' section, below. On February 12, 2007, we received comments from petitioners. We received no other comments.

Scope of the Order

Imports covered by the order are shipments of SSB. SSB means articles of stainless steel in straight lengths that have been either hot–rolled, forged, turned, cold–drawn, cold–rolled or otherwise cold–finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold–finished SSBs that are turned or ground in straight lengths, whether produced from hot–rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi–finished products, cut–to-length flat–rolled products (*i.e.*, cut–to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the

[1] For this **Federal Register** notice, we use the terms ''Viraj,'' ''the Viraj Group'' and ''the Viraj entities'' interchangeably.

thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold–formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat–rolled products), and angles, shapes, and sections.

The SSB subject to these reviews is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

On May 23, 2005, the Department issued a final scope ruling that SSB manufactured in the United Arab Emirates out of stainless steel wire rod from India is not subject to the scope of this order. *See* Memorandum from Team to Barbara E. Tillman, ''*Antidumping Duty Orders on Stainless Steel Bar from India and Stainless Steel Wire Rod from India: Final Scope Ruling*,'' dated May 23, 2005, which is on file in the CRU in room B–099 of the main Department building. *See also Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

Selection of Respondents

Section 777A(c)(1) of the Act directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. However, section 777A(c)(2) of the Act gives the Department the discretion, when faced with a large number of exporters/producers, to limit its examination to a reasonable number of such companies if it is not practicable to examine all companies. Where it is not practicable to examine all known exporters/producers of subject merchandise, this provision permits the Department to review either: (1) a sample of exporters, producers, or types of products that is statistically valid based on the information available at the time of selection, or (2) exporters and producers accounting for the largest volume of the subject merchandise that can reasonably be examined.

Responses to the Department's information request were received in April through May 2006. After consideration of the data submitted, we selected the two largest exporters/producers of the subject merchandise, as explained in our *Respondent Selection Memorandum*.

Therefore, for those companies for which a review was requested, but which were not selected for individual review, the Department has determined a review–specific weighted–average margin. The review–specific average rate for these companies can be found in the ''Preliminary Results of the Review'' section below. This is distinguished from the ''All Others'' rate, which is the weighted–average margin calculated in the investigation and which continues to apply to all exporters and producers which have not participated in a review. *See Notice of Final Results of Antidumping Duty Administrative Review: Certain Softwood Lumber Products from Canada*, 70 FR 73437, 73440 (December 12, 2005) (''*Softwood Lumber Final Results*'').

Verification

As provided in section 782(i) of the Act, we intend to verify sales information submitted by Bhansali in these proceedings to be used in making our final results. Due to resource and time constraints facing the Department, we will not verify Venus in this proceeding.

Period of Review

The POR is February 1, 2005, through January 31, 2006.

Partial Rescission of Review

In the *Initiation Notice*, the Department stated that, although the Department revoked the order in part with respect to entries of the merchandise subject to the order produced and exported by Viraj (Viraj Alloys, Ltd., Viraj Impoexpo, Ltd., Viraj Forgings, Ltd.), the Department was conditionally initiating a review with respect to Viraj Alloys, Ltd., Viraj Impoexpo, Ltd., Viraj Forgings, Ltd., Viraj Smelting, Viraj Profiles, and VSL Wires, Ltd., pending further information from the requestor as to sales of subject merchandise not covered by the revocation.[2]

On April 6, 2006, the Department requested that, in light of the previous revocation determination, the petitioners clarify the specific producers or exporters for which they were seeking review and, for each company, whether they were requesting a review as to merchandise produced by that company, or only merchandise exported by that company. Moreover, the Department indicated that absent adequate clarification, it intended to rescind the administrative review with respect to the Viraj Group. See Letter from Julie H. Santoboni, Program Manager, to the petitioners, dated April 6, 2006, which is on file in the CRU in room B–099 of the main Department building.

On April 7, 2006, the petitioners responded to the Department's request for further information stating that they were seeking a review of any of the listed companies (*i.e.*, the Viraj Group) in their capacity as either a producer or exporter (or both, with the exception of VAL, VIL, and VFL) of merchandise subject to the order during the POR. Furthermore, the petitioners urged the Department to seek information as to whether the named companies shipped merchandise subject to the order to the United States during the POR. The petitioners also referred to the changes in operation among the various Viraj entities that the Department recognized in pre–revocation reviews.

Therefore, in light of the revocation and the petitioners' request, we determined that it was appropriate to ascertain whether there were suspended entries of merchandise subject to the order during the POR from the Viraj entities. We examined shipment data obtained from U.S. Customs and Border Protection (''CBP'') and placed these data on the record on May 9, 2006. *See* Memorandum from Team to the File, ''*U.S. Customs and Border Protection Data*,'' dated May 9, 2006, which is on file in the CRU in room B–099 of the main Department building. Based on this information, we determined that there are no suspended entries of merchandise subject to the order involving any of the Viraj entities for the POR. *See* Memorandum from Susan Kuhbach, Office Director to Stephen J. Claeys, Deputy Assistant Secretary, ''*2005–2006 Administrative Review of the Antidumping Duty Order on Stainless Steel Bar from India - Rescission of Review of the Viraj Group Companies*,'' dated May 18, 2006, which is on file in the CRU in room B–099 of the main Department building. Accordingly, on May 24, 2006, the Department published in the **Federal Register** its intent to rescind the administrative review with respect to the Viraj entities. *See Stainless Steel Bar from India: Notice of Intent to Partially Rescind Antidumping Duty Administrative Review*, 71 FR 29916 (May 24, 2006).

[2] The Department revoked the order in part, with respect to entries of merchandise subject to the order produced and exported by ''Viraj,'' a collapsed entity. Viraj included Viraj Alloys, Ltd.; Viraj Impoexpo, Ltd.; and Viraj Forgings, Ltd. The revocation was effective February 1, 2003. *See Stainless Steel Bar From India; Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination to Revoke in Part*, 69 FR 55409, 55410-11 (September 14, 2004).

We invited interested parties to comment on this notice. No comments were received. Therefore, the Department is rescinding the administrative review with respect to the Viraj entities and will issue appropriate appraisement instructions to CBP within 15 days of the publication of this notice in the **Federal Register**.

Intent to Rescind Administrative Review

Pursuant to 19 CFR 351.213(d)(3), the Department will rescind an administrative review with respect to a particular exporter or producer if it concludes that during the period of review there were ''no entries, exports, or sales of the subject merchandise.'' Accordingly, the Department requires that there be entries during the POR upon which to assess antidumping duties, to conduct an administrative review.

As noted in the ''Background'' section above, Akai, Atlas, and Meltroll each indicated that it had no shipments of subject merchandise to the United States during the POR. The Department examined CBP data to confirm whether these companies shipped subject merchandise during the POR. After reviewing the data, we confirmed that the CBP data showed no entries of subject merchandise to the United States from these companies during the POR. *See* Memorandum from Team to the File, ''*Stainless Steel Bar from India: No Shipments During the Period of Review*,'' dated May 26, 2006, which is on file in the CRU in room B–099 of the main Department building.

Therefore, in accordance with 19 CFR 351.213(d)(3), we are preliminarily rescinding the administrative review with respect to Akai, Atlas, and Meltroll.

Affiliation

On February 28, 2007, the Department determined that Venus and exporter Precision Metals are affiliated within the meaning of section 771(33) of the Act, and also that the two companies should be treated as a single entity for the purposes of this administrative review. Therefore, we preliminarily find that the companies should receive a single antidumping duty rate. See Memorandum from Scott Holland to Susan H. Kuhbach, Senior Office Director, ''*Relationship of Venus Wire Industries Pvt., Ltd. and Precision Metals*,'' dated February 28, 2007, which is on file in the CRU in room B–099 of the main Department building.

Fair Value Comparisons

To determine whether sales of SSB from India to the United States were made at less than NV, we compared export price (''EP'') to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice.

In accordance with section 771(16) of the Act, we considered all products sold by the respondents in the comparison market covered by the description in the ''Scope of the Order'' section, above, to be foreign–like products for purposes of determining appropriate product comparisons to U.S. sales. In accordance with section 773(a)(1)(C)(ii) of the Act, in order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared the respondents' volume of home market sales of the foreign–like product to the volumes of their U.S. sales of the subject merchandise. *See* the ''Normal Value'' section, below, for further details.

We compared U.S. sales to monthly weighted–average prices of contemporaneous sales made in the comparison market. Where there were no sales of identical merchandise in the comparison market made in the ordinary course of trade, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. Where there were no sales of identical or similar merchandise made in the ordinary course of trade in the comparison market, we compared U.S. sales to constructed value (''CV''). In making product comparisons, consistent with our determination in the original investigation, we matched foreign like products based on the physical characteristics reported by the respondent in the following order: type, grade, remelting process, finishing operation, shape, and size. *See Preliminary Determination of Sales at Less than Fair Value and Postponement of Final Determination: Stainless Steel Bar from India*, 59 FR 39733–35 (August 4, 1994); unchanged in the final.

In the Department's standard questionnaire for these proceedings, all respondents are instructed to assign a unique code for each AISI grade of SSB sold in both the home and U.S. markets for matching purposes. There are 9 standard AISI grades listed in the questionnaire. Furthermore, respondents are instructed to assign a unique code for all additional AISI grades of SSB sold. In their initial responses to the Department's questionnaire, the respondents in this review reported that during the POR, they made sales of several AISI grades of SSB beyond the standard 9 AISI grades and correctly assigned a unique code for each additional grade.

On September 28, 2006, we received comments from the petitioners arguing that, because the respondents did not properly order the additional grades in a hierarchical manner, the Department's model match program would select dissimilar grades of SSB instead of the most similar grades. Accordingly, the petitioners argued that the Department should itself assign the proper weight for these additional grades to ensure a proper hierarchical order for matching purposes. Moreover, the petitioners proposed their own hierarchical ordering of the grades.

These comments led the Department to reconsider the weights assigned to the reported AISI grades. After consulting with Department experts, we instructed the respondents to re–order the grade hierarchy in their responses to the Department's supplemental questionnaires and we assigned new weight codes for each reported grade. The Department also requested comments regarding the proper hierarchical ordering. *See* Letter from Brandon Farlander, Program Manager to Interested Parties, dated January 29, 2007, which is on file in the CRU in room B–099 of the main Department building.

On February 12, 2007, we received comments from the petitioners regarding the proper order of one AISI grade. We did not receive comments from any other interested party. Therefore, for the preliminary results we are re–ordering the grade hierarchy and we are assigning new weight codes for each reported grade.

Date of Sale

Pursuant to 19 CFR 351.401(i), the date of sale is normally the date of invoice unless satisfactory evidence is presented that the material terms of sale, price and quantity, are established on some other date. In its initial questionnaire responses, Venus reported its sales using invoice date as the date of sale. However, on November 30, 2006, the company requested that it be allowed to use purchase order date as the date of sale for both its U.S. and home market sales. Venus reported that no changes in the terms of sale occurred between the purchase order and the invoice date.

In the U.S. market, Venus stated that all of its sales are made to order under contracts which can include a price adjustment factor reflecting market price changes for certain alloys used in the production of stainless steel bar. However, because the terms of the price

adjustment are set in advance, there are no changes to the material terms of sale negotiated by the parties involved in the transaction after the purchase order date. Therefore, we instructed Venus to use the purchase order date as the date of sale. *See Notice of Final Determination of Sales at Less Than Fair Value: Emulsion Styrene–Butadiene Rubber from Mexico*, 64 FR 14872, 14880 (March 29, 1999), for an explanation of our practice in these circumstances. Furthermore, we instructed Venus to report the gross unit price on the invoice (inclusive of any surcharges) in the sales listings.

Bhansali reported that the material terms of sale can change up until the date of the invoice. Therefore, we are using invoice date as the date of sale for Bhansali for both markets.

Export Price

For sales to the United States, we calculated EP, in accordance with section 772 of the Act. Section 772(a) of the Act defines EP as the price at which the subject merchandise is first sold before the date of importation by the exporter or producer outside the United States to an unaffiliated purchaser in the United States, or to an unaffiliated purchaser for exportation to the United States. We calculated EP for both Bhansali and Venus because the merchandise was sold prior to importation by the exporter or producer outside the United States to the first unaffiliated purchaser in the United States, and because constructed export price methodology was not otherwise warranted.

We made company–specific adjustments as follows:

(A) *Bhansali*

We based EP on the packed, delivered duty paid (''DDP''), cost, insurance, and freight (''CIF''), or cost and freight (''CFR'') price to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act. These deductions included, where appropriate, freight incurred in transporting merchandise to the Indian port, domestic brokerage and handling, international freight, marine insurance, U.S. brokerage and handling, terminal handling charges and documentation fees. *See* Memorandum from Team to the File, ''*Preliminary Results Calculation Memorandum for Bhansali Bright Bars Pvt. Ltd.,*'' dated February 28, 2007, (''*Bhansali Preliminary Calculation Memorandum*'') which is on file in the CRU in room B–099 of the main Department building.

(B) *Venus*

We based EP on the packed, DDP, or CIF price to unaffiliated purchasers in the United States. We adjusted the reported gross unit price, where applicable, for billing adjustments. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act. These deductions included, where appropriate, freight incurred in transporting merchandise to the Indian port, domestic brokerage and handling, international freight, marine insurance, U.S. brokerage and handling, freight incurred in the United States, and U.S. customs duties. *See* Memorandum from Team to the File, ''*Preliminary Results Calculation Memorandum for Venus Wire Industries Pvt. Ltd.,*'' dated February 28, 2007, (''*Venus Preliminary Calculation Memorandum*'') which is on file in the CRU in room B–099 of the main Department building.

Duty Drawback

Bhansali and Venus claimed a duty drawback adjustment based on their participation in the Indian government's Duty Entitlement Passbook Program. Such adjustments are permitted under section 772(c)(1)(B) of the Act.

The Department will grant a respondent's claim for a duty drawback adjustment where the respondent has demonstrated that there is (1) a sufficient link between the import duty and the rebate, and (2) a sufficient amount of raw materials imported and used in the production of the final exported product. *See Rajinder Pipe Ltd. v. United States* (*Rajinder Pipes*), 70 F. Supp. 2d 1350, 1358 (CIT 1999) (''*Rajinder Pipes*''). In *Rajinder Pipes*, the Court of International Trade upheld the Department's decision to deny a respondent's claim for duty drawback adjustments because there was not substantial evidence on the record to establish that part one of the Department's test had been met. *See also Viraj Group, Ltd. v. United States*, 162 F. Supp. 2d 656 (CIT August 15, 2001); and *Stainless Steel Bar from India; Preliminary Results of Antidumping Duty Administrative Review, Notice of Partial Rescission of Administrative Review, and Notice of Intent to Revoke in Part*, 69 FR 10666, 10671 (March 8, 2004).

In this administrative review, Bhansali and Venus have failed to demonstrate that there is a link between the import duty paid and the rebate received, and that imported raw materials are used in the production of the final exported product. Therefore, because they have failed to meet the Department's requirements, we are denying the respondents' requests for a duty drawback adjustment. *See Bhansali Preliminary Calculation Memorandum*; *see also Venus Preliminary Calculation Memorandum* for further details.

Normal Value

A. Home Market Viability

Section 773(a)(1) of the Act directs that NV be based on the price at which the foreign like product is sold in the home market, provided that the merchandise is sold in sufficient quantities (or value, if quantity is inappropriate) and that there is no particular market situation that prevents a proper comparison with the EP. The Act contemplates that quantities (or value) will normally be considered insufficient if they are less than five percent of the aggregate quantity (or value) of sales of the subject merchandise to the United States.

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared each respondent's volume of home market sales of the foreign like product to its volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

Bhansali and Venus reported that their home market sales of SSB during the POR were more than five percent of their sales of SSB to the United States. Therefore, Bhansali's and Venus' home markets were viable for purposes of calculating NV. Accordingly, Bhansali and Venus reported their home market sales.

To derive NV for the respondents, we made the adjustments detailed in the ''Calculation of Normal Value Based on Comparison Market Prices'' and ''Calculation of Normal Value Based on Constructed Value'' sections, below.

B. Sales to Affiliated Customers

Bhansali made one sale in the home market to an affiliated customer. To test whether this sale was made at arm's length, we compared the starting price of the sale to the affiliated customer to those of unaffiliated customers, net of all movement charges, direct and indirect selling expenses, discounts, and packing. If the price to the affiliated party was, on average, within a range of 98 to 102 percent of the price of the same or comparable merchandise to the unaffiliated parties, we determined that the sale made to the affiliated party was at arm's length. *See Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade*, 67 FR 69186 (November 15, 2002). In accordance with the Department's

practice, we excluded the sale from our margin analysis because the sale was not made at arm's length.

C. Cost of Production Analysis

In the most recently completed segment of the proceeding at the time of initiation, the Department found that Bhansali and Venus made sales in the comparison market at prices below the cost of producing the merchandise and excluded such sales from the calculation of NV. Therefore, the Department determined that there were reasonable grounds to believe or suspect that SSB sales were made in the comparison market at prices below the cost of production (''COP'') in this administrative review for Bhansali and Venus. *See* section 773(b)(2)(A)(ii) of the Act. As a result, the Department initiated a COP inquiry for these two respondents.

1. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated the COP based on the sum of the cost of materials and fabrication for the foreign like product, plus amounts for G&A expenses, financial expenses, and comparison market packing costs, where appropriate. We relied on the COP data submitted by Bhansali and Venus except where noted below:

2. Individual Company Adjustments

(A) Bhansali

1) We recalculated Bhansali's G&A and financial expense ratios, based on the relevant accounts identified in Bhansali's fiscal year 2005–06 trial balance.

2) Under section 773(f)(2) of the Act, we calculated the implied interest expenses incurred on Bhansali's zero–interest loans which were outstanding to shareholders and directors during fiscal year 2005–2006. We added the implied interest expenses to Bhansali's financial expenses in our calculation of its financial expense ratio. *See* Memorandum from Joe Welton to Neal Halper, Director Office of Accounting, ''*Cost of Production and Constructed Value Adjustments for the Preliminary Results - Bhansali Bright Bars Pvt. Ltd*,'' dated February 28, 2007, which is on file in the CRU in room B–099 of the main Department building.

(B) Venus

1) For Venus and Precision Metals, we increased the direct material costs by the unreconciled difference between the raw material purchase prices incorporated in the reported costs of production and the related raw material purchase prices which reconcile to the companies' respective accounting systems.

2) We recalculated Venus' and Precision Metals' G&A and financial expense ratios, based on the relevant accounts identified in their respective fiscal year 2005–06 trial balances. *See* Memorandum from Joe Welton to Neal Halper, Director Office of Accounting, ''*Cost of Production and Constructed Value Adjustments for the Preliminary Results - Venus Wire Industries Pvt. Ltd*,'' dated February 28, 2007, which is on file in the CRU in room B–099 of the main Department building.

3. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given product were at prices less than the COP, we did not disregard any below–cost sales of that product because we determined that the below–cost sales were not made in substantial quantities.

Where 20 percent or more of a respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales to have been made in substantial quantities within an extended period of time in accordance with section 773(b)(2)(B) of the Act. Because we compared prices to the POR average COP, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Therefore, we disregarded the below–cost sales.

For Bhansali and Venus, we found that more than 20 percent of the comparison market sales of SSB within an extended period of time were made at prices less than the COP. Further, the prices at which the merchandise under review was sold did not provide for the recovery of costs within a reasonable period of time. Therefore, we disregarded these below–cost sales and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act. For those U.S. sales of SSB for which there were no useable comparison market sales in the ordinary course of trade, we compared EPs to the CV in accordance with section 773(a)(4) of the Act. *See* ''Calculation of Normal Value Based on Constructed Value'' section, below.

C. Calculation of Normal Value Based on Home Market Prices

We calculated NV based on ex–factory or delivered prices to unaffiliated customers in the home market. We made adjustments for differences in packing in accordance with sections 773(a)(6)(A) and 773(a)(6)(B)(i) of the Act, and we deducted movement expenses consistent with section 773(a)(6)(B)(ii) of the Act. In addition, where applicable, we made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Act, as well as for differences in circumstances of sale (''COS'') in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We also made adjustments, in accordance with 19 CFR 351.410(e), for indirect selling expenses incurred on comparison market or U.S. sales where commissions were granted on sales in one market but not in the other (the ''commission offset''). Specifically, where commissions were granted in the U.S. market but not in the comparison market, we made a downward adjustment to NV for the lesser of (1) the amount of the commission paid in the U.S. market, or (2) the amount of indirect selling expenses incurred in the comparison market. If commissions were granted in the comparison market but not in the U.S. market, we made an upward adjustment to NV following the same methodology. Company–specific adjustments are described below.

(A) Bhansali

We based comparison market prices on the packed prices to unaffiliated purchasers in India. We adjusted the starting price by the amount of movement expenses: inland freight expenses from the plant to the customer. We made COS adjustments by deducting direct selling expenses incurred for home market sales (*i.e.*, credit expenses, bank charges and commissions) and adding U.S. direct selling expenses (*i.e.*, credit expenses, commissions, bank charges and bank interest expenses, fumigation charges and fees for duty drawback application). *See Bhansali Preliminary Calculation Memorandum*.

Bhansali reported billing adjustments in its home market sales listing. However, the information on the record shows that these adjustments are actually bad debt write–offs. Therefore, for the preliminary results, we have treated Bhansali's reported billing adjustments as indirect selling expenses. *See Bhansali Preliminary Calculation Memorandum*.

(B) Venus

Venus

We based comparison market prices on the packed prices to unaffiliated purchasers in India. We adjusted the starting price by the amount of billing

adjustments and movement expenses, including inland freight expenses from the plant to the customer.[3] We made COS adjustments by deducting direct selling expenses incurred for home market sales (*i.e.*, credit expenses and commissions) and adding U.S. direct selling expenses (*i.e.*, credit expenses, commissions, bank charges and bank interest expenses, fumigation charges and certificate of origin fees). *See Venus Preliminary Calculation Memorandum*.

D. Level of Trade

Section 773(a)(1)(B)(i) of the Act states that, to the extent practicable, the Department will calculate NV based on sales at the same level of trade (''LOT'') as the EP. Sales are made at different LOTs if they are made at different marketing stages (or their equivalent). *See* 19 CFR 351.412(c)(2). Substantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stages of marketing. *Id.*; *see also Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut–to-Length Carbon Steel Plate From South Africa*, 62 FR 61731, 61732 (November 19, 1997). In order to determine whether the comparison sales were at different stages in the marketing process than the U.S. sales, we reviewed the distribution system in each market (*i.e.*, the ''chain of distribution''),[4] including selling functions,[5] class of customer (''customer category''), and the level of selling expenses for each type of sale.

Pursuant to section 773(a)(1)(B)(i) of the Act, in identifying levels of trade for EP and comparison market sales (*i.e.*, NV based on either comparison market or third country prices),[6] we consider the starting prices before any adjustments. When the Department is unable to match U.S. sales to sales of the foreign like product in the comparison market at the same LOT as the EP, the Department may compare the U.S. sale to sales at a different LOT in the comparison market. In comparing EP sales at a different LOT in the comparison market, where available data make it practicable, we make a LOT adjustment under section 773(a)(7)(A) of the Act.

Bhansali reported that it sells to end–users and trading companies in the home market, and to trading companies and distributors in the United States. Venus reported that it sells to end–users and distributors in the home market, and to end–users and trading companies in the United States. Bhansali and Venus reported the same level of trade and the same channel of distribution for sales in the United States and the home market, and neither company has requested a LOT adjustment.

We examined the information reported by Bhansali and Venus, and found that home market sales to all customer categories were identical with respect to sales process, freight services, warehouse/inventory maintenance, advertising activities, technical service, and warranty service. Accordingly, we preliminarily find that each company had only one level of trade for its home market sales. Bhansali's and Venus' EP selling activities differ from the home market selling activities only with respect to freight and delivery, and advertising. These differences are not substantial. Therefore, we find that the EP level of trade is similar to the home market LOT and a level–of-trade adjustment is not necessary. *See* section 773(a)(7)(A) of the Act.

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act based on the exchange rates in effect on the dates of the U.S. sales as reported by the Federal Reserve Bank.

Preliminary Results of the Review

For the firms listed below, we find that the following percentage margins exist for the period February 1, 2005, through January 31, 2006:

Exporter/Manufacturer	Margin
Bhansali Bright Bars Pvt. Ltd.	2.10
Venus Wire Industries Pvt. Ltd. ..	0.03 (*de minimis*)
Review–Specific Average Rate Applicable To The Following Companies:	
Isibars Limited, Grand Foundry, Ltd., Sindia Steels Limited, Snowdrop Trading Pvt., Ltd.Facor Steels, Ltd., Mukand Ltd.	2.10

Public Comment

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held 42 days after the publication of this notice, or the first workday thereafter. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. See 19 CFR 351.309(d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: 1) a statement of the issue; and 2) a brief summary of the argument with an electronic version included.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), for all sales made by respondents for which they have reported the importer of record and the entered value of the U.S. sales, we have calculated importer–specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales.

Where the respondents did not report the entered value for U.S. sales, we have calculated importer–specific assessment rates for the merchandise in question by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer–specific *ad valorem* rates based on the estimated entered value. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to

[3] Venus reported discounts in its home market sales listing. However, the information on the record indicates that these discounts are actually billing adjustments (*i.e.*, adjustments to price). Therefore, for the preliminary results, we have treated Venus' reported discounts as billing adjustments and adjusted gross unit price accordingly. *See Venus Preliminary Calculation Memorandum*.

[4] The marketing process in the United States and comparison market begins with the producer and extends to the sale to the final user or customer. The chain of distribution between the two may have many or few links, and the respondents' sales occur somewhere along this chain. In performing this evaluation, we considered each respondent's narrative response to properly determine where in the chain of distribution the sale occurs.

[5] Selling functions associated with a particular chain of distribution help us to evaluate the level(s) of trade in a particular market. For purposes of these preliminary results, we have organized the common selling functions into four major categories: sales process and marketing support, freight and delivery, inventory and warehousing, and quality assurance/warranty services.

[6] Where NV is based on CV, we determine the NV LOT based on the LOT of the sales from which we derive selling expenses, G&A and profit for CV, where possible.

liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR produced by the respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

For those companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). For the companies requesting a review, but not selected for examination and calculation of individual rates, we will calculate a weighted–average assessment rate based on all importer–specific assessment rates excluding any which are *de minimis* or margins determined entirely on adverse facts available. *See Softwood Lumber Final Results*, at 70 FR 73442. The Department will issue appraisement instructions directly to CBP.

Cash Deposit Requirements

The following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of SSB from India entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: 1) the cash deposit rate for the reviewed company will be the rate established in the final results of this administrative review (except no cash deposit will be required if its weighted–average margin is *de minimis*, *i.e.*, less than 0.5 percent); 2) for the non–selected companies we will calculate a weighted–average cash deposit rate based on all the company–specific cash deposit rates, excluding *de minimis* margins or margins determined entirely on adverse facts available; 3) if the exporter is not a firm covered in this review, the previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and 4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 12.45 percent, the ''all others'' rate established in the LTFV investigation. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India*, 59 FR 66915 (December 28, 1994).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 23, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–4057 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China; Initiation of New Shipper Reviews

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

EFFECTIVE DATE: March 7, 2007.

SUMMARY: The Department of Commerce (the ''Department'') received timely requests to conduct new shipper reviews of the antidumping duty order on wooden bedroom furniture from the People's Republic of China (''PRC''). In accordance with 19 CFR 351.214(d)(1), we are initiating new shipper reviews for Golden Well International (HK), Ltd. (''Golden Well'') and its supplier Zhangzhou XYM Furniture Product Co., Ltd. (Zhangzhou XYM), and for Mei Jia Ju Furniture Industrial (Shenzhen) Co., Ltd. (''Mei Jia'').

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Eugene Degnan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4474 or (202) 482–0414, respectively.

SUPPLEMENTARY INFORMATION: The Department received timely requests from Golden Well and Mei Jia on January 24 and 22, 2007 respectively, pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (''the Act''), and in accordance with 19 CFR 351.214(c), for new shipper reviews of the antidumping duty order on wooden bedroom furniture from the PRC. *See Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China*, 70 FR 329 (January 4, 2005). Although Mei Jia submitted a timely request, on February 7, 2007, the Department rejected Mei Jia's request due to improper filing. However, because Mei Jia originally filed its request on January 22, 2007, but the request was not rejected by the Department until February 7, 2007, the Department allowed Mei Jia to refile its request by February 21, 2007. *See* the letter from the Department to Mei Jia dated February 7, 2007. On February 16, 2007, Mei Jia re–submitted its request for a new shipper review.

Pursuant to 19 CFR 351.214(b)(2)(i), 19 CFR 351.214(b)(2)(ii), 19 CFR 351.214(b)(2)(iii)(A), and 19 CFR 351.214(b)(2)(iii)(B), in their requests for new shipper reviews, Golden Well (as an exporter), Zhangzhou XYM, and Mei Jia (as a producing exporter) certified that they did not export wooden bedroom furniture to the United States during the period of investigation (''POI''); that since the initiation of the investigation they have never been affiliated with any company that exported subject merchandise to the United States during the POI; and that their export activities were not controlled by the central government of the PRC.

In accordance with 19 CFR 351.214(b)(2)(iv), Golden Well and Mei Jia submitted documentation establishing the following: (1) The date on which they first shipped wooden bedroom furniture for export to the United States; (2) the volume of their first shipment; and (3) the date of their first sale to an unaffiliated customer in the United States.

Initiation of New Shipper Review

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), and based on information on the record, we find that Golden Well and Mei Jia's requests meet the initiation threshold requirements and we are initiating new shipper reviews for shipments of wooden bedroom furniture exported by Golden Well that were produced by Zhangzhou XYM and shipments of wooden bedroom furniture produced and exported by Mei Jia. *See* Memorandum to the File through Wendy J. Frankel, Director, New Shipper Initiation Checklist, dated, February 28, 2007. The Department will conduct these new shipper reviews according to the deadlines set forth in section 751(a)(2)(B)(iv) of the Act.

Pursuant to 19 CFR 351.214(g)(1)(i)(A), the period of review (''POR'') for a new shipper review, initiated in the month immediately following the anniversary month, will be the twelve-month period immediately preceding the anniversary month. Therefore, the POR for the new shipper reviews of Golden Well and Mei Jia will be January 1 through December 31, 2006.

It is the Department's usual practice, in cases involving non–market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country–wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Golden Well and Mei Jia, including a separate–rate section. The reviews will proceed if the responses provide sufficient indication that Golden Well and Mei Jia are not subject to either *de jure* or *de facto* government control with respect to their exports of wooden bedroom furniture. However, if either Golden Well or Mei Jia does not demonstrate its eligibility for a separate rate, it will be deemed not separate from other companies that exported during the POI, and its new shipper review will be rescinded.

On August 17, 2006, the Pension Protection Act of 2006 (H.R. 4) was signed into law. Section 1632 of H.R. 4 temporarily suspends the authority of the Department to instruct U.S. Customs and Border Protection to collect a bond or other security in lieu of a cash deposit in new shipper reviews. Therefore, the posting of a bond or other security under section 751(a)(2)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of wooden bedroom furniture 1) produced by Zhangzhou XYM and exported by Golden Well, or 2) produced and exported by Mei Jia must continue to post cash deposits of estimated antidumping duties on each entry of subject merchandise (*i.e.*, wooden bedroom furniture) at the PRC–wide entity rate of 198.08 percent.

Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are issued in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: February 28, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–4049 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Notice of Initiation of Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture From the People's Republic of China

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

SUMMARY: The Department of Commerce (''Department'') received timely requests to conduct an administrative review of the antidumping duty order on wooden bedroom furniture from the People's Republic of China (''PRC''). The anniversary month of this order is January. In accordance with the Department's regulations, we are initiating this administrative review.

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Eugene Degnan or Robert Bolling, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–0414 or (202) 482–3434, respectively.

SUPPLEMENTARY INFORMATION

Background

The Department received timely requests, in accordance with 19 CFR 351.213(b) (2002), during the anniversary month of January, for an administrative review of the antidumping duty order on wooden bedroom furniture from the PRC covering 196 entities. The Department is now initiating an administrative review of the order covering those entities.

Initiation of Review

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating an administrative review of the antidumping duty order on wooden bedroom furniture from the PRC. We intend to issue the final results of this review not later than January 31, 2008.

Antidumping Duty Proceeding	Period
The People's Republic of China: [1] Wooden Bedroom Furniture A–570–890	1/01/06–12/31/06
Alexandre International Corp., Southern Art Development Ltd., Alexandre Furniture (Shenzhen) Co. Ltd., Southern Art Furniture Factory*	
Art Heritage International Ltd., Super Art Furniture Co. Ltd., Artwork Metal & Plastic Co., Ltd., Jibson Industries Ltd., Always Loyal International*	
Baigou Crafts Factory of Fengkai	
Beijing MingYaFeng Furniture Co., Ltd.	
Best King International Limited, Best King International Ltd., Bouvrie International Limited	
Billy Wood Industrial (Dong Guan), Great Union Industrial (Dongguan) Co., Ltd., Time Faith Ltd.*	
BNBM Co., Ltd.	
Changshu HTC Import & Export Co. Ltd.*	
Chen Meng Furniture (PTE) Co., Ltd., Cheng Meng Decoration & Furniture (Suzhou) Co., Ltd.*	

	Period
Chuan Fa Furniture Factory*	
Classic Furniture Global Co., Ltd.*	
Clearwise Co., Ltd.*	
COE, Ltd.*	
Conghua J.L. George Timber & Co., Ltd.	
Dalian Guangming Furniture Co., Ltd.*	
Dalian Huafeng Furniture Co., Ltd.*	
Dalian Pretty Home Furniture Co., Ltd.	
Decca Furniture Ltd., aka Decca*	
Deqing Ace Furniture & Crafts Ltd.	
Der Cheng Furniture Co., Ltd.	
Dong Guan Golden Fortune Houseware Co., Ltd.	
Dong Guan Hua Ban Furniture Co., Ltd.	
Dongguan Cambridge Furniture Co., Ltd., Glory Oceanic Co., Ltd.*	
Dongguan Chunsan Wood Products Co., Ltd., Trendex Industries Limited*	
Dongguan Creation Furniture Co., Ltd., Creation Industries Co., Ltd.*	
Dongguan Dihao Furniture Co., Ltd.	
Dongguan Grand Style Furniture Co., Ltd., Hong Kong DaZhi Furniture Company Ltd.*	
Dongguan Great Reputation Furniture Co., Ltd.*	
Dongguan Hero Way Woodwork Co., Ltd., Hero Way Enterprises, Ltd., Dongguan Da Zhong Woodwork Co., Ltd., Well Earth International Ltd.*	
Dongguan Hung Sheng Artware Products Co., Ltd., Coronal Enterprise Co., Ltd.*	
Dongguan Kin Feng Furniture Co., Ltd.*	
Dongguan Kingstone Furniture Co., Ltd., Kingstone Furniture Co., Ltd.*	
Dongguan Landmark Furniture Products Ltd.*	
Dongguan Liaobushangdun Huada Furniture Factory, Great Rich (HK) Enterprises Co., Ltd.*	
Dongguan Lung Dong Furniture Co., Ltd., Dongguan Dong He Furniture Co., Ltd.*	
Dongguan Mingsheng Furniture Co., Ltd.	
Dongguan New Technology Import & Export Co., Ltd.	
Dongguan Qingxi Xinyi Craft Furniture Factory (Joyce Art Factory)*	
Dongguan Sea Eagle Furniture Co., Ltd., Kalanter (Hong Kong) Furniture Company Limited	
Dongguan Singways Furniture Co., Ltd.*	
Dongguan Sunpower Enterprise Co., Ltd.	
Dongguan Sunrise Furniture Co., Taicang Sunrise Wood Industry Co., Ltd., Shanghai Sunrise Furniture Co., Ltd., Fairmont Designs*	
Dongguan Yihaiwei Furniture Limited	
Dongying Huanghekou Furniture Industry Co., Ltd.*	
Dorbest Ltd., Rui Feng Woodwork Co., Ltd., Rui Feng Lumber Development Co., Ltd., aka, Dorbest Ltd., Rui Feng Woodwork (Dongguan) Co., Ltd., Rui Feng Lumber Development (Shenzhen) Co., Ltd.*	
Dream Rooms Furniture (Shanghai) Co., Ltd.*	
Engmost Investments Limited	
Eurosa (Kunshan) Co., Ltd., Eurosa Furniture Co., (PTE) Ltd.*	
Ever Spring Furniture Co., Ltd., S.Y.C. Family Enterprise Co., Ltd.*	
Fine Furniture (Shanghai) Ltd.*	
Fortune Furniture Ltd. and its affiliate, Dongguan Fortune Furniture Ltd.	
Foshan Guanqiu Furniture Co., Ltd.*	
Fujian Lianfu Forestry Co., Ltd., aka Fujian Wonder Pacific Inc.*	
Fuzhou Huan Mei Furniture Co. Ltd.	
Gaomi Yatai Wooden Ware Co., Ltd., Team Prospect International Ltd., Money Gain International Co.*	
Garri Furniture (Dong Guan) Co., Ltd., Molabile International, Inc. Weei Geo Enterprise Co., Ltd.*	
Golden Well International (HK), Ltd.	
Green River Wood (Dongguan) Ltd.*	
Guangdong New Four Seas Furniture Manufacturing, Ltd., Four Seas Furniture Manufacturing Ltd.	
Guangming Group Wumahe Furniture Co., Ltd.*	
Guangzhou Lucky Furniture Co., Ltd.*	
Guangzhou Maria Yee Furnishings, Ltd., Pyla HK Ltd.*	
Hainan Jong Bao Lumber Co., Ltd., Jibbon Enterprise Co., Ltd.*	
Hainan Rulai Furniture Co., Ltd.	
Hamilton & Spill Ltd.*	
Hang Hai Woodcrafts Art Factory*	
Hong Kong Boliya Industry Development Co., Ltd.	
Hong Yu Furniture (Shenzhen) Co., Ltd.	
Hualing Furniture (China) Co., Ltd., Tony House Manufacture (China) Co., Ltd., Buysell Investments Ltd., Tony House Industries Co., Ltd.*	
Huizhou Jadom Furniture Co., Ltd., Jadom Furniture Co., Ltd.	
Hung Fai Wood Products Factory Ltd.	
Hwangho New Century Furniture (Dongguan) Corp. Ltd., Trade Rich Furniture (Dongguan) Corp., Ltd., Hwang Ho International Holdings Limited	
Inni Furniture	
Jardine Enterprise, Ltd.*	
Jiangmen Kinwai Furniture Decoration Co., Ltd. *	
Jiangmen Kinwai International Furniture Co., Ltd.*	
Jiangsu Dare Furniture Co., Ltd.	
Jiangsu Weifu Group Company Fullhouse Furniture Manufacturing Corp*	

	Period
Jiangsu Xiangsheng Bedtime Furniture Co., Ltd.*	
Jiangsu Yuexing Furniture Group Co., Ltd.*	
Jiedong Lehouse Furniture Co., Ltd.*	
King Kei Trading Co. Ltd., King Kei Furniture Factory, Jiu Ching Trading Co., Ltd.	
King Wood Furniture Co., Ltd.	
King's Way Furniture Industries Co., Ltd., Kingsyear, Ltd.*	
Kong Fong Furniture, Kong Fong Mao Iek Hong	
Kuan Lin Furniture (Dong Guan) Co., Ltd., Kuan Lin Furniture Factory, Kuan Lin Furniture Co., Ltd.*	
Kunshan Junsen Furniture Co., Ltd.	
Kunshan Lee Wood Product Co., Ltd.*	
Kunshan Summit Furniture Co. Ltd.*	
Kunwa Enterprises Company	
Langfang TianCheng Furniture Co., Ltd.*	
Leefu Wood (Dongguan) Co., Ltd., King Rich International, Ltd.*	
Link Silver Ltd. (V.I.B.), Forward Win Enterprises Co. Ltd., Dongguan Haoshun Furniture Ltd.*	
Locke Furniture Factory, Kai Chan Furniture Co. Ltd., Kai Chan (Hong Kong) Enterprise Ltd., Taiwan Kai Chan Co. Ltd.*	
Longrange Furniture Co. Ltd.*	
Maria Yee, Inc.	
Mei Jia Ju Furniture Industrial Shenzhen Co., Ltd.	
Meikangchi (Nantong) Furniture Company Ltd.*	
Nanjing Nanmu Furniture Co., Ltd.	
Nan Tong YangZi Furniture Co., Ltd.	
Nanhai Baiyi Woodwork Co. Ltd.*	
Nanhai Jiantai Woodwork Co. Ltd., Fortune Glory Industrial, Ltd. (HK Ltd.)*	
Nantong Dongfang Orient Furniture Co., Ltd.*	
Nantong Yushi Furniture Co., Ltd.*	
Nathan China Group	
Nathan International Ltd., Nathan Rattan Factory*	
Ningbo Furniture Industries Limited, Techniwood Industries Ltd., Ningbo Hengrun Furniture Co., Ltd.*	
Orient International Holding Shanghai Foreign Trading Co., Ltd.*	
Passwell Corporation, Pleasant Wave Ltd.*	
Perfect Line Furniture Co., Ltd.*	
Po Ying Industrial Co.	
Primewood International Co., Ltd., Prime Best International Co., Ltd., Prime Best Factory, Liang Huang (Jiaxing) Enterprise Co., Ltd.*	
Profit Force Limited	
PuTian JingGong Furniture Co., Ltd.*	
Putian Ou Dian Furniture Co., Ltd.	
Qingdao Beiyuan-Shengli Furniture Co., Ltd., Qingdao Beiyuan Industry Trading Co. Ltd.	
Qingdao Liangmu Co., Ltd.*	
Qingdao Shengchang Wooden Co., Ltd.	
Restonic (Dongguan) Furniture Ltd., Restonic Far East (Samoa) Ltd.*	
RiZhao SanMu Woodworking Co., Ltd.*	
Season Furniture Manufacturing Co., Season Industrial Development Co.*	
Sen Yeong International Co. Ltd., Sheh Hau International Trading Ltd.*	
Shanghai Aosen Furniture Co., Ltd.	
Shanghai Jian Pu Export & Import Co., Ltd.*	
Shanghai Maoji Imp. & Exp. Co. Ltd.*	
Shanghai Star Furniture Co., Ltd.	
Shanghai XingDing Furniture Industrial Co., Ltd.	
Sheng Jing Wood Products (Beijing) Co., Ltd., Telstar Enterprises Ltd.*	
Shenyang Kunyu Wood Industry Co., Ltd.*	
Shenyang Shining Dongxing Furniture Co., Ltd.*	
Shenzhen Dafuhao Industrial Development Co., Ltd.	
Shenzhen Forest Furniture Co., Ltd.*	
Shenzhen Jiafa High Grade Furniture Co., Ltd., Golden Lion International Trading Ltd.	
Shenzhen New Fudu Furniture Co., Ltd.*	
Shenzhen Shen Long Hang Industry Co., Ltd.	
Shenzhen Tiancheng Furniture Co., Ltd., Winbuild Industrial Ltd., Red Apple Furniture Co., Ltd. and Red Apple Trading Co., Ltd.	
Shenzhen Wonderful Furniture Co., Ltd.*	
Shenzhen Xiande Furniture Factory*	
Shenzhen Xingli Furniture Co., Ltd.*	
Shing Mark Enterprise Co., Ltd., Carven Industries Ltd. (BVI), Carven I Industries Limited (HK), Dongguan Zhenxin Furniture Co., Ltd., Dongguan Yongpeng Furniture Co., Ltd.*	
Shun Feng Furniture Co., Ltd.*	
Sino Concord (Zhangzhou) Furniture Co., Ltd., Sino Concord International Corporation	
Songgang Jasonwood Furniture Factory, Jasonwood Industrial Co., Ltd. S.A.*	
Speedy International Ltd.	
Starcorp Furniture (Shanghai) Co., Ltd., Orin Furniture (Shanghai) Co., Ltd., Shanghai Starcorp Furniture Co., Ltd. *	
Starwood Furniture Manufacturing Co., Ltd.*	
Starwood Industries Ltd.*	
Strongson Furniture (Shenzhen) Co., Ltd., Strongson Furniture Co., Ltd., Strongson (HK) Co.*	

	Period
Sunforce Furniture (Hui-Yang) Co., Ltd., Sun Fung Wooden Factory, Sun Fung Co., Shin Feng Furniture Co. Ltd., Stupendous International Co. Ltd.*	
Superwood Co. Ltd., Lianjiang Zongyu Art Products Co., Ltd.*	
T.J. Maxx International Co., Ltd.	
Tarzan Furniture Industries, Ltd., Samso Industries Ltd.*	
Teamway Furniture (Dong Guan) Co. Ltd., Brittomart Inc.*	
Tianjin First Wood Co., Ltd.	
Tianjin Fortune Furniture Co. Ltd.*	
Tianjin Master Home Furniture*	
Tianjin Phu Shing Woodwork Enterprise Co., Ltd.*	
Tianjin Sande Fairwood Furniture Co., Ltd.*	
Time Crown (U.K.) International Ltd., China United International Co.	
Top Art Furniture, Ngai Kun Trading	
Top Goal Development Co., Top Goal Furniture Co., Ltd. (Shenzhen)	
Tradewinds Furniture Ltd.	
Tradewinds International Enterprise Ltd.	
Transworld (Zhangzhou) Furniture Co., Ltd.	
Trendex Industries Limited (BVI)	
Triple J Furntiure Enterprises Co., Mandarin Furniture (Shenzhen) Co., Ltd.	
Tube-Smith Enterprises (ZhangZhou) Co., Ltd., Tube-Smith Enterprise (Haimen) Co., Ltd., Billionworth Enterprise, Ltd.*	
Union Friend International Trade Co., Ltd.*	
U-Rich Furniture (ZhangZhou) Co., Ltd., U-Rich Furniture, Ltd.*	
Wan Bao Cheng Group Hong Kong Co., Ltd.	
Wanhengtong Nueevder (Furniture) Manufacture Co., Ltd., Dongguan Wanhengtong Industry Co., Ltd.*	
Winmost Enterprises Limited	
Winny Universal, Ltd., Zhongshan Winny Furniture Ltd., Winny Overseas, Ltd.	
Woodworth Wooden Industries (Dong Guan) Co., Ltd.*	
Xiamen Yongquan Sci-Tech Development Co., Ltd.*	
Xilinmen Group Co., Ltd.	
Xingli Arts & Crafts Factory of Yangchun*	
Yangchun Hengli Co., Ltd.*	
Yeh Brothers World Trade Inc*.	
Yichun Guangming Furniture Co., Ltd.*	
Yida Co. Ltd., Yitai Worldwide Ltd., Yili Co., Ltd., Yetbuild Co., Ltd.*	
Yihua Timber Industry Co., Ltd., aka Guangdong Yihua Timber Industry Co., Ltd.*	
Yongxin Industrial (Holdings) Limited	
ZhangZhou Sanlong Wood Product Co., Ltd.*	
Zhangjiagang Daye Hotel Furniture Co., Ltd.*	
Zhangjiagang Zheng Yan Decoration Co. Ltd.*	
Zhangzhou Guohui Industrial & Trade Co. Ltd.*	
Zhanjiang Sunwin Arts & Crafts Co., Ltd.*	
Zhejiang NiannianHong Industrial Co., Ltd.	
Zhong Cheng Furniture Co., Ltd.	
Zhong Shan Fullwin Furniture Co., Ltd.*	
Zhongshan Fookyik Furniture Co., Ltd.*	
Zhongshan Gainwell Furniture Co., Ltd.	
Zhongshan Golden King Furniture Industrial Co., Ltd.*	
Zhongshan Youcheng Wooden Arts & Crafts Co., Ltd.	
Zhoushan For-Strong Wood Co., Ltd.*	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of wooden bedroom furniture from the PRC that have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporter is a part.

* These companies received a separate rate in the prior segment (the less-than-fair-value-investigation) of this proceeding.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

The Department recently modified the process by which exporters and producers may obtain separate-rate status in NME investigations. *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries, (April 5, 2005), available on

the Department's Web site at *http://ia.ita.doc.gov/policy/bull05-1.pdf.* The process now requires the submission of a separate-rate status application.

Due to the large number of firms requesting an administrative review in this proceeding, the Department is requiring all firms listed above that wish to qualify for separate-rate status in this administrative review to complete, as appropriate, either a separate-rate status application or certification, as described below.

For this administrative review, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested that were assigned a separate rate in the less than fair value investigation of this proceeding to certify that they continue to meet the criteria for obtaining a separate rate. The certification form will be available on the Department's Web site at *http://ia.ita.doc.gov/* on the date of publication of this **Federal Register**. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Certifications are due to the Department no later than March 21, 2007. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase the subject merchandise and export it to the United States.

For entities that have not previously been assigned a separate rate, to demonstrate eligibility for such, the Department requires a separate-rate status application. The separate-rate status application will be available on the Department's Web site at *http://ia.ita.doc.gov/* on the date of publication of this **Federal Register**. In responding to the separate-rate status application, refer to the instructions contained in the application. Separate-rate status applications are due to the Department no later than May 7, 2007. The deadline and requirement for submitting a separate-rate status application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase the subject merchandise and export it to the United States.

Section 777A(c)(1) of the Tariff Act of 1930, as amended (''the Act'') directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, section 777A(c)(2) of the Act permits the Department to examine either (1) a sample of exporters, producers or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined. Due to the large number of firms requested for an administrative review and the Department's experience regarding the resulting administrative burden to review each company for which a request has been made, the Department is considering exercising its authority to limit the number of respondents selected for review using one of the two methods described above.

Quantity and Value Questionnaire

In advance of issuance of the antidumping questionnaire, we will also be requiring all parties for whom a review is requested to respond to a Quantity and Value (''Q&V'') questionnaire, which will request information on the respective quantity and U.S. dollar sales value of all exports to the United States of wooden bedroom furniture during the period of January 1, 2006, through December 31, 2006. Additionally, in the event sampling is employed, in order to determine a sampling method that is representative of the sales under review, the Department will require that each company complete the economic characteristics section of the Q&V questionnaire. The Q&V questionnaire will be available on the Department's Web site at *http://ia.ita.doc.gov/* on the date of publication of this **Federal Register**. The responses to the Q&V questionnaire are due to the Department no later than March 21, 2007. Due to the time constraints imposed by our statutory and regulatory deadlines, and the need to preserve the statistical validity of the sampling methodology, the Department may not be able to grant any extensions for the submission of the Q&V questionnaire. In responding to the Q&V questionnaire, refer to the instructions contained in the Q&V questionnaire.

Notice

This notice constitutes public notification to all firms requested for review and seeking separate-rate status in this administrative review of the antidumping duty order on wooden bedroom furniture from the PRC that they must submit a separate-rate status application or certification (as appropriate) as described above, and a complete response to the Q&V questionnaire within the time limits established in this notice of initiation of administrative review in order to receive consideration for separate-rate status. In other words, the Department will not give consideration to any separate-rates certification or separate rate-status application made by parties who fail to timely respond to the Q&V questionnaire or fail to timely submit the requisite separate-rate certification or application. All information submitted by respondents in this administrative review is subject to verification. To allow the possibility for sampling and to complete this segment within the statutory time frame, the Department will be limited in its ability to extend deadlines on the above submissions. As noted above, the separate-rate certification, the separate-rate status application, and the Q&V questionnaire will be available on the Department's Web site at *http://ia.ita.doc.gov/* on the date of publication of this **Federal Register**. However, the Department will also issue, as a courtesy to the parties, a letter of notification of these requirements to the parties requested for review.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. Instructions for filing such applications may be found on the Department's Web site at *http://ia.ita.doc.gov.*

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: February 28, 2007.

Wendy J. Frankel,

Director AD/CVD Operations, Office 8 for Import Administration.

[FR Doc. E7–4051 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Notice of Preliminary Results of Countervailing Duty Administrative Review: Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on certain cut-to-length carbon-quality steel plate (CTL plate) from the Republic of Korea (Korea) for the period January 1, 2005, through December 31, 2005, the period of review (POR). For information

on the net subsidy rate for the reviewed company, see the ''Preliminary Results of Review'' section of this notice. Interested parties are invited to comment on these preliminary results. *See* the ''Public Comment'' section of this notice.

EFFECTIVE DATE: March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Jolanta Lawska or Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3862 or (202) 482–4793, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2000, the Department published in the **Federal Register** the CVD order on CTL plate from Korea. *See Notice of Amended Final Determination: Certain Cut-to-Length Carbon-Quality Steel Plate From India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-to-Length Carbon-Quality Steel Plate From France, India, Indonesia, Italy, and the Republic of Korea*, 65 FR 6587 (February 10, 2000) (*CTL Plate Order*). On February 1, 2006, the Department published a notice of opportunity to request an administrative review of this CVD order. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 71 FR 5239 (February 1, 2006). On February 28, 2006, we received a timely request for review from Dongkuk Steel Mill Co., Ltd. (DSM), a Korean producer and exporter of subject merchandise. On April 5, 2006, the Department initiated an administrative review of the CVD order on CTL plate from Korea, covering January 1, 2005, through December 31, 2005. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Reviews*, 71 FR 17077 (April 5, 2006).

On July 6, 2006, the Department issued a questionnaire to the Government of Korea (GOK) and DSM. We received questionnaire responses from DSM and the GOK on September 12, 2006.

On October 16, 2006, the Department published in the **Federal Register** an extension of the deadline for the preliminary results. *See Certain Cut-to-Length Carbon Quality Steel Plate from Korea; Notice of Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review*, 71 FR 60689 (October 16, 2006).

On October 31, 2006, the Department issued supplemental questionnaires to the GOK and DSM. We received questionnaire responses from the GOK and DSM on November 27 and November 28, 2006, respectively.

In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters for which a review was specifically requested. The only company subject to this review is DSM.

Scope of Order

The products covered by the CVD order are certain hot-rolled carbon-quality steel: (1) Universal mill plates (*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 nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief) of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products to be included in the scope of the order are of rectangular, square, circular or other shape and of rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within this scope. Also, specifically included in the scope of the order are high strength, low alloy (HSLA) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States (HTSUS) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is two percent or less, by weight; and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 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 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of this order unless otherwise specifically excluded. The following products are specifically excluded from the order: (1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel.

The merchandise subject to the order is currently classifiable under the HTSUS under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the order is dispositive.

Subsidies Valuation Information

Average Useful Life

Under 19 CFR 351.524(d)(2), we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned as listed in the Internal Revenue Service's (IRS) 1997 Class Life Asset Depreciation Range System, as updated by the Department of the Treasury. The presumption will apply unless a party claims and establishes that the IRS tables do not reasonably reflect the company-specific AUL or the country-wide AUL for the industry under examination and that the difference between the company-specific and/or country-wide AUL and the AUL from the IRS table is significant. According to

the IRS Tables, the AUL of the steel industry is 15 years. No interested party challenged the 15-year AUL derived from the IRS tables. Thus, in this review, we have allocated, where applicable, all of the non-recurring subsidies provided to the producers/exporters of subject merchandise over a 15-year AUL.

Benchmarks for Long-Term Loans Issued Through 2005

During the POR, DSM had outstanding long-term won-denominated and foreign-currency denominated loans from government-owned banks and Korean commercial banks. Based on our findings on this issue in prior investigations and administrative reviews, we are using the following benchmarks to calculate the subsidies attributable to respondent's countervailable long-term loans obtained in the years 1991 through 2005:

(1) For countervailable, foreign-currency denominated loans, pursuant to 19 CFR 351.505(a)(2)(ii), and consistent with our past practice to date, our preference is to use the company-specific, weighted-average foreign currency-denominated interest rates on the company's loans from foreign bank branches in Korea, foreign securities, and direct foreign loans received after 1991. *See, e.g., Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 64 FR 30636, 30640 (June 8, 1999) (*Sheet and Strip Investigation*); *see also Final Negative Countervailing Duty Determination: Stainless Steel Plate in Coils from the Republic of Korea*, 64 FR 15530, 15531 (March 31, 1999) (*Plate in Coils Investigation*). Where no such benchmark instruments are available, and consistent with 19 CFR 351.505(a)(3)(ii) as well as our methodology in a prior administrative review, we rely on the lending rates as reported by the IMF's *International Financial Statistics Yearbook. See Final Results and Partial Rescission of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 69 FR 2113 (January 14, 2004) (*2001 Sheet and Strip*), and the accompanying Issues and Decision Memorandum (*2001 Sheet and Strip Decision Memorandum*), at Section II. B ''Subsidies Valuation Information.''

(2) For countervailable, won-denominated, long-term loans, our practice is to use the company-specific corporate bond rate on the company's public and private bonds. We note that this benchmark is consistent with our decision in *Plate in Coils Investigation*, 64 FR at 15531, in which we determined that the GOK did not direct or control the Korean domestic bond market after 1991, and that the interest rate on domestic bonds may serve as an appropriate benchmark interest rate. Where unavailable, we used the national average of the yields on three-year corporate bonds, as reported by the Bank of Korea (BOK). For example, we note that the use of the three-year corporate bond rate from the BOK follows the approach taken in the *Plate in Coils Investigation*, in which we determined that, absent company-specific interest rate information, the corporate bond rate is the best indicator of a market rate for won-denominated long-term loans in Korea. *See Plate in Coils Investigation*, 64 FR at 15531. *See also* 19 CFR 505(a)(3)(ii).

In accordance with 19 CFR 351.505(a)(2), our benchmarks take into consideration the structure of the government-provided loans. For fixed-rate loans, pursuant to 19 CFR 351.505(a)(2)(iii), we used benchmark rates issued in the same year that the government loans were issued. For variable-rate loans outstanding during the POR, pursuant to 19 CFR 351.505(a)(5)(i), our preference is to use the interest rates of variable-rate lending instruments issued during the year in which the government loans were issued. Where such benchmark instruments are unavailable, we use weighted average interest rates of all variable rate loans issued during the POR as our benchmark, as such rates better reflect a variable interest rate that would be in effect during the POR. This approach is in accordance with the Department's practice in similar cases. *See, e.g., Final Results and Partial Rescission of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip From the Republic of Korea*, 68 FR 13267 (March 19, 2003) (*2000 Sheet and Strip*), and accompanying Issues and Decision Memorandum (*Sheet and Strip Decision Memorandum*), at Comment 8; *see also* 19 CFR 351.505(a)(5)(ii).

Programs Preliminarily Determined To Confer Subsidies

1. The GOK's Direction of Credit

In the most recently completed administrative review of this CVD order, the Department reaffirmed earlier determinations that the GOK controlled and directed lending through year 2001. In addition, the Department noted that neither DSM nor the GOK provided any new information that would warrant a change in the Department's determination. Finding that the GOK did not act to the best of its ability, the Department employed an adverse inference and determined that the GOK continued it direction-of-credit policies from 2002 through 2004. *See, e.g., Preliminary Results of Countervailing Duty Administrative Review: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 71 FR 11397, 11399 (March 7, 2006) (*2004 CTL Plate Preliminary Results*) (unchanged in final results by *Notice of Final Results of Countervailing Duty Administrative Review: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 71 FR 38861 (July 10, 2006)).

During the POR, DSM had outstanding loans that were received prior to the 2002 period. As in the prior administrative review, in this review, we asked the GOK for information pertaining to the GOK's direction-of-credit policies for the period from 2002 through 2005. The GOK did not provide any new or additional information that would warrant a departure from these prior findings, stating instead that:

> ''* * * the Government of Korea continues to believe that the evidence demonstrates that there has been no direction of credit to the Korean steel industry. Nevertheless, the Department has consistently found that long-term loans received by Korean steel producers were the result of the Korean Government's direction, despite the Government's repeated submission of evidence to the contrary * * *. Consequently, in this review, the Government will not contest the Department's findings on direction of long-term loans.''

See September 12, 2006, GOK, submission at page 9. Because the GOK withheld the requested information on its lending policies, the Department does not have the necessary information on the record to determine whether the GOK has continued its direction-of-credit policies through 2005; therefore, the Department must base its determination on facts otherwise available. *See* section 776(a)(2)(A) of the Act.

Section 776(b) of the Act further provides that the Department may use an adverse inference in applying the facts otherwise available when a party has failed to cooperate by not acting to the best of its ability to comply with a request for information. Section 776(b) of the Act also authorizes the Department to use as adverse facts available (AFA) information derived from the petition, the final determination, a previous administrative review, or other information placed on the record.

For the reasons discussed below, we determine that, in accordance with sections 776(a)(2) and 776(b) of the Act, the use of AFA is appropriate for the preliminary results for the determination of direction of credit for loans received from 2002 through 2005.

In this case, the GOK refused to supply requested information that was in its possession, even though the GOK had provided similar information in prior proceedings. *See, e.g.*, *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 64 FR 73176, 73178 (December 29, 1999) (*CTL Plate Investigation*). Therefore, consistent with sections 776(a)(2)(A) and (C) of the Act, we find that the GOK did not act to the best of its ability and, therefore, are employing an adverse inference in selecting from among the facts otherwise available. As AFA, we preliminarily find that the GOK's direction-of-credit policies continued through 2005. As noted above, the GOK's direction-of-credit policies provide a financial contribution, confer a benefit, and are specific, pursuant to sections 771(5)(D)(i), 771(5)(E)(ii), and 771(5A)(D)(iii) of the Act, respectively. Therefore, we preliminarily find that lending from domestic banks and government-owned banks through 2005 are countervailable. Thus, any loans received through 2005 from domestic banks and government-owned banks that were outstanding during the POR are countervailable, to the extent that the interest amount paid on the loan is less than what would have been paid on a comparable commercial loan. The Department's decision to rely on adverse inferences when lacking a response from the GOK regarding the direction-of-credit issue is in accordance with its practice. *See, e.g., 2004 CTL Plate Preliminary Results* (unchanged in final results by *Notice of Final Results of Countervailing Duty Administrative Review: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 71 FR 38861 (July 10, 2006)).

DSM received long-term fixed- and variable-rate loans from GOK-owned or -controlled institutions that were outstanding during the POR and had both won- and foreign currency-denominated loans outstanding during the POR. In accordance with 19 CFR 351.505(c)(2) and (4), we calculated the benefit for each fixed- and variable-rate loan received from GOK-owned or -controlled banks to be the difference between the actual amount of interest paid on the directed loan during the POR and the amount of interest that would have been paid during the POR at the benchmark interest rate. We conducted our benefit calculations using the benchmark interest rates described in the ''Subsidies Valuation Information'' section above. For foreign currency-denominated loans, we converted the benefits into Korean won using exchange rates obtained from the BOK. We then summed the benefits from DMS's long-term fixed-rate and variable-rate won-denominated loans.

To calculate the net subsidy rate, we divided DSM's total benefits by its respective total f.o.b. sales values during the POR, as this program is not tied to exports or a particular product. On this basis, we preliminarily determine the net subsidy rate under the direction-of-credit program to be 0.01 percent *ad valorem* for DSM.

2. Asset Revaluation Under Tax Programs Under the Tax Reduction and Exemption Control Act (TERCL) Article 56(2)

Under Article 56(2) of the TERCL, the GOK permitted companies that made an initial public offering between January 1, 1987, and December 31, 1990, to revalue their assets at a rate higher than the 25 percent required of most other companies under the Asset Revaluation Act. The Department has previously found this program to be countervailable. For example, in the *CTL Plate Investigation*, the Department determined that this program was *de facto* specific under section 771(5A)(D)(iii) of the Act because the actual recipients of the subsidy were limited in number and the basic metal industry was a dominant user of this program. We also determined that a financial contribution was provided in the form of tax revenue foregone pursuant to section 771(5)(D)(ii) of the Act. *See CTL Plate Investigation*, 64 FR at 73182–83. The Department further determined that a benefit was conferred, within the meaning of section 771(5)(E) of the Act, on those companies that were able to revalue their assets under TERCL Article 56(2) because the revaluation resulted in participants paying fewer taxes than they would otherwise pay absent the program. *Id.* No new information, evidence of changed circumstances, or comments from interested parties were presented in this review to warrant any reconsideration of the countervailable status of this program.

The benefit from this program is the difference that the revaluation of depreciable assets has on a company's tax liability each year. Evidence on the record indicates that DSM revalued its assets under Article 56(2) of the TERCL in 1988. However, DSM reports that in 1998 it revalued its assets yet again. DSM states the revaluation in 1998 was not pursuant to TERCL Article 56(2) and, according to the GOK, was consistent with Korean Generally Accepted Accounting Principles (GAAP). DSM claims that the asset revaluations that were adopted in 1988 under Article 56(2) of TERCL were superseded when it revalued its assets in 1998. Hence, the 1988 asset revaluation would only affect the calculation of depreciation costs for tax years prior to 1998. However, there were certain assets that were not revalued in 1998. For those assets which were not revalued in 1998, we identified the total amount of the change in depreciation expense attributable to the 1988 asset revaluation for 2004 (the tax return submitted during the POR). We then multiplied this amount by the tax rate for 2004 to determine the benefit under this program. This is the same approach the Department used in the previous review. *See 2004 CTL Plate Preliminary Results* (unchanged in final results by *Notice of Final Results of Countervailing Duty Administrative Review: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 71 FR 38861 (July 10, 2006)). As this program is not tied to exports, we used the benefit amount as the numerator and DSM's total sales as the denominator. Using this methodology, we preliminarily determine the countervailable subsidy from this program to be less than 0.005 percent *ad valorem*, which, according to the Department's practice, is considered not measurable and is not included in the calculation of the CVD rate. *See, e.g.*, *Notice of Preliminary Results of Countervailing Duty Administrative Review: Certain Softwood Lumber Products from Canada*, 70 FR 33088, 33091 (June 7, 2005).

3. GOK Infrastructure Investment at Inchon North Harbor

Under the Act on Participation of Private Investment in Infrastructure (the Harbor Act), signed in 2000, the GOK contracts with private companies to construct infrastructure facilities at Inchon North Harbor. The program is designed to encourage private investment in public infrastructure facilities at Inchon North Harbor. Because the ownership of these facilities reverts to the GOK, the government compensates private parties for a portion of the construction costs of these facilities. In addition, the company is given right to operate the facility for a certain period of time.

Under the Harbor Act, DSM participated in an agreement with the Ministry of Maritime Affairs and Fisheries (''MOMAF''), under which DSM is constructing one of 17 piers at Inchon North Harbor. According to information submitted by the GOK, the government will retain title of the pier. However, upon completion of the project, DSM will receive free use of harbor facilities at Inchon Port and the right to collect fees it chooses to from other users of the facility for a period of 50 years. At the end of the 50-year period, operating rights revert to the GOK. Further, under the Harbor Act, the GOK compensates DSM for 30 percent of the construction costs of the facility. DSM reported receiving payments from the GOK as reimbursements for construction costs it incurred from the fourth quarter of 2003 through the third quarter of 2004. As this is the first time DSM has reported receiving benefits to the Department, the Department has not previously examined this program.[1]

DSM and the GOK claim that the reimbursements DSM received under the program are not countervailable, ''Because this program represents a government purchase of construction services, it does not constitute a ''financial contribution'' under the terms of the countervailing duty statute.'' *See* GOK's September 12, 2006, questionnaire response at 4; *see also* DSM's September 12, 2006, questionnaire response at 38.

The record evidence indicates that the actual recipients of the grant, whether considered on an enterprise or industry basis are limited in number. The GOK has reported that only [six] companies representing [four] industries received the grant. *See* DSM's September 12, 2006, questionnaire response at Appendix G–6–C. Therefore, we preliminarily determine that the program is *de facto* specific within the meaning of section 771(5A)(D)(iii)(I) of the Act. For purposes of these preliminary results, we disagree with the claims of the GOK and DSM that the GOK's payments to DSM constitute compensation for services provided in connection with the construction of the GOK's pier. We find that the 50-year duration of DSM's lease of the pier facility is so long that it effectively renders DSM the owner of the facility. See the ''Average Useful Life'' section, above. We note that under the IRS 1997 Class Life Asset Depreciation Range System, the AUL of land improvements, such as wharves and docks, is only 20 years. Therefore, the fact that the GOK retains ''ownership'' of the pier for 50 years is essentially meaningless. As such, we preliminary find that the GOK's payments to DSM constitute grants that aid the construction of a facility which, due to the lengthy duration of the lease, is effectively owned and operated by DSM. On this basis, we preliminarily determine that the reimbursements DSM received under the program constitute a direct financial contribution, in the form of grants, and confer a benefit within the meaning of sections 771(5)(D)(i) and 771(5)(E) of the Act, respectively.

On page 3 of its November 27, 2006, questionnaire response, the GOK indicates that the payments to DSM relate to stage one pier construction. *See also* GOK's September 12, 2006, questionnaire response at Appendix G–6–C. According to the GOK, the stage one piers are intended to handle shipments of steel scrap. *See* GOK's November 27, 2006, questionnaire response at page 3. The record evidence indicates that one of DSM's main raw materials used in the production of subject merchandise during the POR was steel scrap. *See* DSM's September 12, 2006, questionnaire response at 9. *See also* DSM's November 28, 2006, questionnaire response at Appendix SD 9. Therefore, in accordance with 19 CFR 351.525(b)(5), we preliminarily find that the grants received by DSM under this program are tied to the production and sales of the subject merchandise. Accordingly, we have attributed the grants DSM has received under this program to its production and sales of the subject merchandise.

To calculate the benefit under this program, we first summed the amount of payments DSM received each year under the program. In accordance with 19 CFR 351.524(c), we are treating the grants DSM received under the program as non-recurring. Pursuant to 19 CFR 351.524(b)(2), the Department allocates non-recurring benefits provided under a particular subsidy program to the year in which the benefits are received if the total amount approved under the subsidy program is less that 0.5 percent of the relevant sales of the firm in question, during the year in which the subsidy was approved. The GOK provided the total approved amount with the date of approval. For the preliminary results, the Department performed the 0.5 percent test by dividing DSM's portion of the GOK contribution at the time of receipt by DSM's total steel sales at the time of receipt. Because the amounts were less than 0.5 percent of DSM's total steel sales in the year of receipt, we expensed the grants to the year of receipt. On this basis, we preliminarily determine that DSM's net subsidy rate under this program to be 0.09 percent *ad valorem.*

4. Research and Development Under Korea Research Association of New Iron and Steelmaking Technology (KANIST) (Formerly KNISTRA)

Under the program, companies make contributions to KANIST, which also receives contributions from the GOK. KANIST then contracts with universities and other research institutions. Upon completion of the projects, KANIST shares the results of the research with the companies that participated in the projects.

The Department examined this program in the underlying investigation. In that segment of the proceeding, the Department determined that the GOK, through the Ministry of Commerce, Industry and Energy (MOCIE) provided research and development grants to support numerous projects designed to foster the development of efficient technology for industrial development. *See CTL Plate Investigation*, 64 FR at 73185. We found this program to be specific as the grants were provided directly to respondents and their affiliates that are steel-related, and that the grants provided a financial contribution. *Id. see also* sections 771(5A)(D)(ii) and 771(5)(D)(i) of the Act. Moreover, pursuant to section 771(5)(E) of the Act, the Department determined that the benefit was the amount of the GOK's contribution allocated to the percentage of the company's contribution and was conferred at the time of receipt. No new information, evidence of changed circumstances, or comments from interested parties were presented in this review to warrant any reconsideration of the countervailable status of this program.

DSM reported that it participated in research and development projects coordinated by KANIST. In these projects, DSM and other Korean companies made contributions to KANIST, which also received contributions from the GOK. Specifically, DSM reported that it participated in four projects. The first project deals with the ''Elimination of Accumulated Impurities and Metal Structural Non-detrimental Technology Development.'' DSM and the GOK made contributions to this project from 2002 through 2006. The remaining three projects are dedicated to the development of structural steel. *See* Exhibit D–6–A, Volume II, of DSM's September 12, 2006, questionnaire

[1] The GOK indicated in its September 12, 2006, response that benefits received by DSM in 2003 were inadvertently not reported during the last POR, due to an oversight.

response; *see also* Exhibit G–-B–4 of the GOK's September 12, 2006, questionnaire response. Based on the information in DSM's response, we preliminarily determine that the projects aimed at structural steel development are tied to non-subject merchandise. We also preliminarily determine that the remaining research and development project is relevant to the early stages of the production process and, therefore, attributable to DSM's total steel sales.

In keeping with the Department's practice, we calculated the benefits related to the project on the ''Elimination of Accumulated Impurities and Metal Structural Non-detrimental Technology Development'' by allocating the GOK's payments based on DSM's contributions to the project. *See 2004 CTL Plate Preliminary Results*, 71 FR at 11400 (unchanged in final results by *Notice of Final Results of Countervailing Duty Administrative Review: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 71 FR 38861 (July 10, 2006)). Pursuant to 19 CFR 351.524(b)(2), the Department allocates non-recurring benefits provided under a particular subsidy program to the year in which the benefits are received if the total amount approved under the subsidy program is less that 0.5 percent of the relevant sales of the firm in question, during the year in which the subsidy was approved. However, neither the GOK nor DSM provided the total approved amounts nor the dates of approval. Therefore, we performed our analysis under 19 CFR 351.524(b)(2) by dividing DSM's portion of the GOK contribution at the time of receipt by DSM's total steel sales at the time of receipt. Using this approach, the calculated percentages in each year were less than 0.5 percent. Therefore, we preliminarily determine that all of the GOK's contributions were expensed in the year of receipt. To calculate the net subsidy rate under the program, we divided the contributions made by the GOK during the POR that were allocated to DSM by DSM's total steel sales during the POR. On this basis, we preliminarily calculate a net subsidy rate for DSM to be less than 0.005 percent *ad valorem*, which, according to the Department's practice, is considered not measurable and is not included in the calculation of the C.V.D. rate.

Programs Preliminarily Found To Be Not Used

1. *Special Cases of Tax for Balanced Development Among Areas (TERCL Articles 41, 42, 43, 44, and 45)* (Reserve for Investment Program)

2. *Electricity Discounts (VRA, VCA, ELR and DLI Programs)*

3. *Price Discount for DSM Land Purchase at Asan Bay*

4. *Local Tax Exemption on Land Outside of Metropolitan Area*

5. *Exemption of VAT on Anthracite Coal*

Programs Preliminarily Found To Be Not Countervailable

1. Special Tax Credit for Boosting Employment

Under Articles 30–34 of the RSTA, the GOK created ''The Special Tax Credit for Boosting Employment'' in July 2004. The program expired in December 31, 2005. It was designed to boost employment, and tax credits were allowed for any Korean company that met the requirements of employing more full-time workers in 2004 and 2005 than it employed the previous year. It provided for a credit of one million won for each full-time worker employed in 2004 or 2005 in excess of the numbers of full-time workers employed the previous year. DSM reported receiving credits towards taxes payable under this program for its 2004 tax return, the tax return submitted during the POR.

Information supplied by DSM and the GOK indicate that this tax program is available to nearly all companies in Korea except for a small category of specialized businesses the GOK deems ''harmful to juveniles, affecting public morales, certain private teaching institutes, and certain real estate businesses.'' *See* page 25, Exhibit I of DSM's September 12, 2006, questionnaire. Based on information supplied by DSM and the GOK, we preliminarily determine that this program is not specific within the meaning of Section 771(5A)(D) of the Act. Therefore, the Department preliminarily determines that no countervailable benefits were conferred under this program during the POR.

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a subsidy rate for DSM for 2005. We preliminarily determine the total estimated net countervailable subsidy rate for DSM is 0.10 percent *ad valorem* for 2005, which is *de minimis*. *See* 19 CFR 351.106(c)(1).

If the final results of this review remain the same as these preliminary results, the Department will instruct U.S. Customs and Border Protection (CBP), 15 days after the date of publication of the final results, to liquidate shipments of CTL plate from DSM, entered, or withdrawn from warehouse, for consumption from January 1, 2004, through December 31, 2004, without regard to countervailing duties. Also, the Department will instruct CBP not to collect cash deposits rate of estimated countervailing duties on shipments of CTL plate from DSM, entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review.

We will instruct CBP to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the most recently completed administrative proceeding. *See CTL Plate Order*, 65 FR 6589. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of the public announcement of this notice. Pursuant to 19 CFR 351.309(b)(1), interested parties may submit written arguments in response to these preliminary results. Unless otherwise indicated by the Department, case briefs must be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five days after the time limit for filing case briefs. *See* 19 CFR 351.309(c)(1)(ii). Parties who submit written arguments in this proceeding are requested to submit with the written argument: (1) A statement of the issue, and (2) a brief summary of the argument. Parties submitting case and/or rebuttal briefs are requested to provide the Department copies of the public version on disk. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs.

Representatives of parties to the proceeding may request disclosure of proprietary information under

administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(1)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of arguments made in any case or rebuttal briefs.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 28, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–4070 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022707A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Issuance of scientific research permits.

SUMMARY: Notice is hereby given that NMFS has issued Permit 1105 Modification 1 to Hagar Environmental Science (HES) in Richmond, CA; and Permit 1121 to Santa Clara Valley Water District (SCVWD) in San Jose, CA. This notice is relevant to federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*), threatened Central California Coast steelhead (*O. mykiss*), and threatened South-Central California Coast steelhead (*O. mykiss*).

ADDRESSES: The applications, permits, and related documents are available for review by appointment at: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 315, Santa Rosa, CA 95404 (ph: 707–575–6097, fax: 707–578–3435, e-mail at: *Jeffrey.Jahn@noaa.gov*).

FOR FURTHER INFORMATION CONTACT: Jeffrey Jahn at 707–575–6097, or e-mail: *Jeffrey.Jahn@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority

The issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations (50 CFR parts 222–226) governing listed fish and wildlife permits.

Species Covered in This Notice

This notice is relevant to federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*), threatened Central California Coast steelhead (*O. mykiss*), and threatened South-Central California Coast steelhead (*O. mykiss*).Permits Issued

A notice of the receipt of an application to renew and modify Permit 1105 was published in the **Federal Register** on December 4, 2006 (71 FR 70367). Permit 1105 Modification 1 was issued to HES on February 15, 2007. Permit 1105 Modification 1 authorizes capture (by seine or backpack electrofishing), handling, and release of juvenile Central California Coast coho salmon, Central California Coast steelhead, and South-Central California Coast steelhead. Permit 1105 Modification 1 is for research to be conducted in the following watersheds and coastal lagoons: Pilarcitos Creek in San Mateo County, California; San Lorenzo River, Liddell Creek, Laguna Creek, and Majors Creek in Santa Cruz County, California; Salinas River in Monterey and San Luis Obispo counties, California; and Arroyo Grande Creek in San Luis Obispo County, California. Permit 1105 Modification 1 authorizes unintentional lethal take of juvenile ESA-listed salmonids associated with research activities not to exceed 3 percent of ESA-listed salmonids captured. Permit 1105 Modification 1 does not authorize take of adult ESA-listed salmonids or intentional lethal take of ESA-listed salmonids. The purpose of the research is to provide ESA-listed salmonid population, distribution, and habitat assessment data to inform watershed management as well as establish baseline population abundances preceding the implementation of habitat conservation measures. Permit 1105 Modification 1 expires on December 31, 2011.A notice of the receipt of an application for a scientific research permit (1121) was published in the **Federal Register** on September 21, 2006 (71 FR 55169). Permit 1121 was issued to SCVWD on February 15, 2007.

Permit 1121 authorizes capture (by backpack electrofishing or boat electrofishing), handling, and release of juvenile Central California Coast steelhead; and capture (by weir-trap), handling, and release of adult Central California Coast steelhead. Permit 1121 is for research to be conducted in the Coyote Creek, Guadalupe River, and Stevens Creek watersheds in Santa Clara County, California. Permit 1121 authorizes unintentional lethal take of juvenile ESA-listed salmonids associated with research activities not to exceed 3 percent of ESA-listed salmonids captured. Permit 1121 does not authorize intentional lethal take of ESA-listed salmonids or unintentional lethal take of adult ESA-listed salmonids.

The purpose of the research is to provide fish population and habitat assessment data to direct SCVWD water-use and habitat restoration activities. Permit 1121 expires on December 31, 2011.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–3950 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022807E]

Marine Mammals; File No. 782–1719

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

ACTION: Notice; receipt of application for amendment.

SUMMARY: Notice is hereby given that The National Marine Mammal Laboratory (NMML), Alaska Fisheries Science Center, (Dr. John L. Bengston, Principal Investigator), 7600 Sand Point Way, NE, Seattle, Washington 98115–6349, has requested an amendment to scientific research Permit No. 782–1719–04.

DATES: Written, telefaxed, or e-mail comments must be received on or before April 6, 2007.

ADDRESSES: The amendment request and related documents are available for review upon written request, or by

appointment (See **SUPPLEMENTARY INFORMATION**).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 782–1719–05.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Carrie Hubard, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 782–1719–00, issued on June 30, 2004 (69 FR 44514) and most recently amended on November 14, 2006 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 782–1719–04 authorizes NMML to take all species of cetaceans under NMFS jurisdiction during stock assessment activities throughout U.S. territorial waters and the high seas of the North Pacific Ocean, Southern Ocean, and Arctic Ocean. The permit authorizes Level B harassment during close approach for aerial surveys, vessel-based surveys, observations, and photo-identification and Level A harassment during biopsy sampling and attachment of scientific instruments. NMML requests an increase in the number of biopsy samples from and attachment of scientific instruments to gray whales (*Eschrichtius robustus*) to study the animals during their northward migration and expand their spring sampling activities in the Bering Sea and the waters of Washington and Kodiak Island, Alaska. NMML requests to increase the number of non-ESA-listed killer whales (*Orcinus orca*) that may be biopsy sampled and have scientific instruments attached to examine killer whale diet and movement patterns, as directed by the Marine Mammal Commission. NMML also requests harassment during close approach for aerial and vessel surveys, photo-identification, tagging, and biopsy sampling of non-endangered dwarf sperm whale (*Kogia breviceps*), pygmy sperm whale (*Kogia simus*), rough-toothed dolphin (*Steno bredanensis*), Hawaii spinner dolphin (*Stenella longirostris*), striped dolphin (*Stenella coeruleoalba*), and melon-headed whale (*Peponocephala electra*) in the North Pacific Ocean to develop reliable abundance estimates and examine stock structure. The amended permit, if issued, would be valid until the permit expires on June 30, 2009.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018; and

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808)973–2935; fax (808)973–2941.

Dated: February 28, 2007.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–3899 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022807D]

Marine Mammals; File Nos. 605–1607 and 605–1904

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

ACTION: Notice; withdrawal of amendment request; receipt of application.

SUMMARY: Notice is hereby given that Whale Center of New England (Mason Weinrich, Principal Investigator), P.O. Box 159, Gloucester, MA 01930 has withdrawn a request to amend Permit No. 605–1607–02 and has applied in due form for a new permit (File No. 605–1904) to conduct research on humpback (*Megaptera novaeangliae*), fin (*Balaenoptera physalus*), and sei (*Balaenoptera borealis*) whales.

DATES: Written, telefaxed, or e-mail comments must be received on or before April 6, 2007.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is

NMFS.Pr1Comments@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: File No. 605–1904.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Jaclyn Daly, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The Whale Center of New England requests a 5–year scientific research permit to continue population monitoring of humpback, fin, and sei whales in North Atlantic waters of the northeastern and mid-Atlantic U.S. Research would help determine baleen whale population status and trends, assess prey availability and whale-prey interactions, and help develop a technique to age whales from biopsy samples. The applicant is requesting to harass 400 humpback, 250 fin, and 100 sei whales by close approach for vessel surveys and photo-identification annually. The applicant also requests to biopsy sample 75 humpback and 75 fin whales annually, up to 20 of which for each species may be young calves. The applicant also requests to suction-cup tag 40 humpback, 20 fin, and 25 sei whales greater than six months of age annually. With this new permit application, the request for an amendment to Permit No. 605–1607–02, published on April 7, 2004 (69 FR 18357), has been withdrawn.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 28, 2007.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–3900 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030107E]

Gulf of Mexico Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

DATES: The meeting will be held March 26 - 30, 2007. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held at the Embassy Suites, 570 Scenic Gulf Drive, Destin, FL 32550.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Council

Thursday, March 29, 2007

8:30 a.m. - The Council meeting will begin with a review the agenda and minutes.

8:45 a.m. - 9 a.m. - Public testimony on exempted fishing permits (EFPs), if any.

9 a.m. - 11:30 a.m. - The Council will hold an Open Public Comment Period regarding any fishery issue or concern. People wishing to speak before the Council should complete a public comment card prior to the comment period.

The Council will then review and discuss reports from the previous three day's committee meetings as follows:

1 p.m. - 3:30 p.m. - Joint Reef Fish/ Shrimp Management;

3:30 p.m. - 4:30 p.m. - Reef Fish Management;

4:30 p.m. - 5:30 p.m. - CLOSED SESSION for Advisory Panel (AP) and Scientific and Statistical Committee (SSC) Section Committees and Reef Fish Committee;

6:30 p.m. - 7:30 p.m. - NMFS Public Scoping Session on guidance for use of the annual catch limits.

Friday, March 30, 2007

8:30 a.m. - The Council meeting will reconvene to continue reviewing and discussing reports from the previous three day's committee meetings as follows:

8:30 a.m. - 9 a.m. - Mackerel Management;

9 a.m. - 9:30 a.m. - Joint Reef Fish/ Mackerel/Red Drum;

9:30 a.m. - 9:45 a.m. - Budget/ Personnel;

9:45 a.m. - 10 a.m. - Data Collection;

10 a.m. - 11 a.m. - Administrative Policy; and

11 a.m. - 12 p.m. - Other Business items.

Committees

Monday, March 26, 2007

1 p.m. - 3:30 p.m. - CLOSED SESSION - The AP Selection Committee will meet to appoint AP members.

3:30 p.m. - 5 p.m. - CLOSED SESSION - The SSC Selection Committee will meet to appoint SSC, Stock Assessment Panel (SAP) and Socioeconomic Panel (SEP) members.

5 p.m. - 5:30 p.m. - The Budget/ Personnel Committee will meet to discuss the State Liaison Budget Increases.

Tuesday March 27, 2007

8:30 a.m. - 12 p.m. - The Joint Reef Fish/Shrimp Management Committee will meet to review Southeast Fishery Science Center (SEFSC) Analyses Runs. The Committee will also review the current Public Hearing Draft of Reef Fish Amendment 27/Shrimp Amendment 14 and the SSC's recommendations; the NMFS' FEIS and Interim Rule for Red Snapper; the SEFSC Report on Release Mortality in Relation to Depth and Dolphin Predation, the Framework Action to Revise the List of Allowable bycatch reduction devices (BRDs); NMFS Interim Rule for Red Snapper; and an Options Paper for Reef Fish Amendment 31/Shrimp Amendment 15.

1:30 p.m. - 5:30 p.m. - The Joint Reef Fish/Shrimp Management Committee continues.

Wednesday, March 28, 2007

8:30 a.m. - 12 noon - The Reef Fish Management Committee will meet to discuss the updates on Reef Fish Amendment 29; the Ad Hoc Grouper Individual Fishing Quota (IFQ) AP recommendations for an IFQ program; the Guidelines for a Referendum for Grouper/Tilefish IFQ; the Scoping Document for Amendment 30; PARTIALLY CLOSED SESSION - the formation of an Ad Hoc Recreational Red Snapper AP for developing new ideas to manage recreational and for-hire red snapper fisheries.

1:30 p.m. - 2:30 p.m. - The Joint Reef Fish/Mackerel/Red Drum Committees will meet to discuss the Status Report on a Public Hearing Draft for the Generic Aquaculture Amendment and SSC Recommendations on completing a Red Drum SEDAR Stock Assessment.

2:30 p.m. - 4 p.m. - The Administrative Policy Committee will meet to discuss the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Requirements for Annual Catch Limits.

4 p.m. - 5 p.m. - The Data Collection Committee will meet to discuss a paper for an Amendment to Require Trip Tickets for Recreational-For-Hire Sector.

5 p.m. - 5:30 p.m. - The Mackerel Management Committee will meet to reconsider the Joint Mackerel Management Committee report from its September 18 & 19, 2006 meeting.

6 p.m. - 8 p.m. - NMFS will provide an update on the Red Snapper IFQ program and there will be a Question and Answer Session.

The committee reports will be presented to the Council for consideration on Thursday March 29, and on Friday, March 30, 2007.

Although other non-emergency issues not on the agendas may come before the Council and Committees for discussion, in accordance with the Magnuson-Stevens Act, those issues may not be the subject of formal action during these meetings. Actions of the Council and Committees will be restricted to those issues specifically identified in the agendas 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 action to address the emergency. The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. In order to further allow for such adjustments and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: March 2, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–3954 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 0612242656–7046–01]

Public Telecommunications Facilities Program: Closing Date

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: Pursuant to the Revised Continuing Appropriations Resolution, 2007, P. L. 110–5, the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, announces the solicitation of applications for planning and construction grants for public telecommunications facilities under the Public Telecommunications Facilities Program (PTFP). The PTFP assists, through matching grants, in the planning and construction of public telecommunications facilities in order to: (1) Extend delivery of services to as many citizens as possible by the most cost-effective means, including use of broadcast and non-broadcast technologies; (2) increase public telecommunications services and facilities available to, operated by, and controlled by minorities and women; (3) strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public.

DATES: Applications must be received prior to 5 p.m. Eastern Time (Closing Time), April 6, 2007, (Closing Date). Applications submitted by facsimile are not acceptable. If an application is received after the Closing Date due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the Closing Date and Closing Time, (2) significant weather delays or natural disasters, or (3) delays due to national security issues, NTIA will, upon receipt of proper documentation, consider the application as having been received by the deadline. NTIA will not accept applications posted on the Closing Date or later and received after this deadline.

ADDRESSES: To obtain a printed application package, submit completed applications, or send any other correspondence, write to PTFP at the following address (please note the new room number): NTIA/PTFP, Room H–4812, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230. Application materials may be obtained electronically via the Internet at *http://www.ntia.doc.gov/ptfp* or *www.Grants.gov*.

FOR FURTHER INFORMATION CONTACT: William Cooperman, Director, Public Broadcasting Division, *telephone:* (202) 482–5802; *fax:* (202) 482–2156. Information about the PTFP can also be obtained electronically via the Internet at *http://www.ntia.doc.gov/ptfp*.

SUPPLEMENTARY INFORMATION:

Electronic Access

The full funding opportunity announcement for the PTFP FY 2007 grant cycle is available through *www.Grants.gov* or by contacting the PTFP office at the address noted above.

Funding Availability

The Congress has appropriated $20 million for FY 2007 PTFP awards. For FY 2006, NTIA awarded $19.2 million in PTFP funds to 94 projects, including 49 radio awards, 40 television awards and 5 nonbroadcast awards. The radio awards ranged from $8,000 to $902,393. The television awards ranged from $48,712 to $1,000,000. The nonbroadcast awards ranged from $67,455 to $253,782.

Statutory and Regulatory Authority

The Public Telecommunications Facilities Program is authorized by the Communications Act of 1934, as amended, 47 U.S.C. §§ 390–393, 397–399(b). The PTFP operates pursuant to rules (1996 Rules) which were published on November 8, 1996 (61 FR 57966). Copies of the 1996 Rules (15 CFR part 2301) are posted on the NTIA Internet site at *http://www.ntia.doc.gov/Rules/currentrules.htm* and NTIA will make printed copies available to applicants upon request.

Supplemental Policies

The following supplemental policies will also be in effect:

(A) Applicants may file emergency applications at any time.

(B) Applicants may file requests for Federal Communications Commission (FCC) authorizations with the FCC after the PTFP Closing Date. Grant applicants for Ku-band satellite uplinks may submit FCC applications after a PTFP award is made. NTIA may accept FCC authorizations that are in the name of an organization other than the PTFP applicant.

(C) PTFP applicants are not required to submit copies of their PTFP applications to the FCC, nor are they required to submit copies of the FCC transmittal cover letters as part of their PTFP applications. PTFP applicants for distance learning projects must notify the state telecommunications agencies in the states in which they are located but are not required to notify every state telecommunications agency in a potential service area.

(D) For digital television conversion projects, NTIA has created two new Subpriorities in the Broadcast Other category.

(E) For digital radio conversion projects, NTIA has created a new Subpriority in the Broadcast Other category.

Catalog of Domestic Federal Assistance: 11.550, Public Telecommunications Facilities Program.

Eligibility

To apply for and receive a PTFP Construction Grant or Planning Grant, an applicant must be: (a) A public or noncommercial educational broadcast station; (b) a noncommercial telecommunications entity; (c) a system of public telecommunications entities; (d) a non-profit foundation, corporation, institution, or association organized primarily for educational or cultural purposes; or (e) a state, local, or Indian tribal government (or agency thereof), or a political or special purpose subdivision of a state.

Evaluation and Selection Process

See 15 CFR 2301.16 for a description of the Technical Evaluation and 15 CFR 2301.18 for the Selection Process.

Evaluation Criteria

See 15 CFR 2301.17 for a full description of the Evaluation Criteria. The six evaluation criteria are (1) Applicant Qualifications, (2) Financial Qualifications, (3) Project Objectives, (4) Urgency, (5) Technical Qualifications (construction applicants only) or Planning Qualifications (planning applicants only), and (6) Special Consideration.

Funding Priorities and Selection Factors

See 15 CFR 2301.4 and the supplemental policies above for a description of the PTFP Priorities and 15 CFR 2301.18 for the Selection Factors.

Cost Sharing Requirements

PTFP requires cost sharing. By statute, PTFP cannot fund a construction project for more than 75 percent of the eligible project costs. NTIA has established a policy of funding most new public broadcasting station activation projects at a 75 percent federal share, and most other television, radio and nonbroadcast projects at a 50 percent federal share. NTIA can fund planning applications up to 100% of the eligible project costs, but has established a policy of funding planning applications at a 75 percent. Any applicant can request federal funding greater than PTFP's policy, up to the statutory maximum, and provide justification for the request.

Intergovernmental Review

PTFP applications are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' if the state in which the applicant organization is located participates in the process. Usually submission to the State Single Point of Contact (SPOC) needs to be only the SF 424 and PTFP–2 pages of the application, but applicants should contact their own SPOC offices to find out about and comply with its requirements. The PTFP Internet site has a link to the Office of Management and Budget's home page which has the names and addresses of the SPOC offices. Applicants may directly access the OMB Internet site at (*http://www.whitehouse.gov/omb/grants/spoc.html*). Printed copies of the SPOC list are available from PTFP.

Universal Identifier

All applicants (nonprofit, state, local government, universities, and tribal organizations) will be required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002 (67 FR 66177) and April 8, 2003 (68 FR 17000) **Federal Register** notices for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line 1–866–705–5711 or via the Internet (*http://www.dunandbradstreet.com*).

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification of Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of December 30, 2004, (69 FR 78389) is applicable to this solicitation.

Limitation of Liability

In no event will the Department of Commerce be responsible for proposal preparation costs if this program fails to receive funding or is cancelled because of other agency priorities. Publication of this announcement does not obligate the agency to award any specific project or to obligate any available funds.

Paperwork Reduction Act

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection displays a currently valid Office of Management and Budget (OMB) control number. The PTFP application form has been cleared under OMB Control No. 0660–0003.

Executive Order 13132

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and opportunity for public comment are not required by the Administrative Procedure Act or any other law for this rule concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

[FR Doc. E7–4017 Filed 3–6–07; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 07–10]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 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 07–10 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

FEB 2 8 2007

In reply refer to:
I-06/016364

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. 07-10, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Taiwan for defense articles and services estimated to cost $421 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies
Acting 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. 07-10

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser**: Taipei Economic and Cultural Representative Office in the United States pursuant to P.L. 96-8

(ii) **Total Estimated Value**:

Major Defense Equipment*	$381 million
Other	$ 40 million
TOTAL	$421 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase**: 218 AIM-120C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs), AMRAAM Missiles - Instrumented, AMRAAM Captive Air Training Missiles (CATMs), 48 LAU-129A Launchers, 235 AGM-65G2 Maverick Missiles, 4 TGM-65G Maverick Training Missiles, aircraft modification and integration, spares and repair parts, support and test equipment, 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**: Air Force (YPH)

(v) **Prior Related Cases, if any**:
FMS case SKA - $135 million - 13 Dec 00
FMS case YPG - $ 18 million - 10 Jun 02

(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**:
FEB 28 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of 218 AIM-120C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs), AMRAAM Missiles - Instrumented, AMRAAM Captive Air Training Missiles (CATMs), 48 LAU-129A Launchers, 235 AGM-65G2 Maverick Missiles, 4 TGM-65G Maverick Training Missiles, aircraft modification and integration, spares and repair parts, support and test equipment, 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 $417 million.

This proposed sale serves our national economic interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive ability to counter air and ground threats. The proposed sale will help improve the security of Taiwan and assist in maintaining political stability, military balance, and economic progress in the region. The U.S. is committed to providing military assistance under the terms of the Taiwan Relations Act.

This sale is consistent with United States law and policy as expressed in Public Law 96-8.

The sale of AMRAAM and Maverick missiles to Taiwan augments and complements the recipient's F-16 fleet. The recipient uses AMRAAM and Maverick missiles to enhance their defense capabilities. Acquisition of AMRAAM and Maverick missiles will allow the recipient to protect and defend Taiwan. The recipient has AMRAAM and Maverick missiles in its inventory and will be able to absorb and effectively utilize the additional missiles.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the recipient.

The prime contractor will be Raytheon Missile Systems Corporation, Tucson, Arizona. Although the purchaser generally requires offsets, at this time, there are no known offset agreements proposed in connection with this potential sale.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 07-10

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AGM-65G Maverick air-to-ground missile has an overall classification of Secret. The Secret aspects of the Maverick system are tactics, information revealing its vulnerability to countermeasures, and counter-countermeasures. Manuals and technical documents that are necessary for operational use and organizational maintenance have portions that are classified Confidential. Performance and operating logic of the countermeasures circuits are Secret.

2. The AIM-120C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a new generation air-to-air missile. The AIM-120C-7 AMRAAM hardware, including the missile guidance section, is classified Confidential. State-of-the-art technology is used in the missile to provide it with unique beyond-visual-range capability. Significant AIM-120C-7 features include a target detection device with embedded electronic countermeasures, an electronics unit within the guidance section that performs all radar signal processing, mid-course and terminal guidance, flight control, target detection and warhead burst point determination. Anti-tempering security measures have been incorporated into the AIM-120C-7 to prevent exploitation of the AMRAAM software.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 07–1060 Filed 3–6–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0090]

Federal Acquisition Regulation; Information Collection; Rights in Data and Copyrights

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning transportation requirements. The clearance currently expires on June 30, 2007.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before May 7, 2007.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information,

including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ernest Woodson, Contract Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

Rights in Data is a regulation which concerns the rights of the Government, and organizations with which the Government contracts, to information developed under such contracts. The delineation of such rights is necessary in order to protect the contractor's rights to not disclose proprietary data and to insure that data developed with public funds is available to the public.

The information collection burdens and recordkeeping requirements included in this regulation fall into the following four categories:

(a) A provision which is to be included in solicitations where the proposer would identify any proprietary data he would use during contract performance in order that the contracting officer might ascertain if such proprietary data should be delivered.

(b) Contract provisions which, in unusual circumstances, would be included in a contract and require a contractor to deliver proprietary data to the Government for use in evaluation of work results, or is software to be used in a Government computer. These situations would arise only when the very nature of the contractor's work is comprised of limited rights data or restricted computer software and if the Government would need to see that data in order to determine the extent of the work.

(c) A technical data certification for major systems, which requires the contractor to certify that the data delivered under the contract is complete, accurate and compliant with the requirements of the contract. As this provision is for major systems only, and few civilian agencies have such major systems, only about 30 contracts will involve this certification.

(d) The Additional Data Requirements clause, which is to be included in all contracts for experimental, developmental, research, or demonstration work (other than basic or applied research to be performed solely by a university or college where the contract amount will be $500,000 or less). The clause requires that the contractor keep all data first produced in the performance of the contract for a period of three years from the final acceptance of all items delivered under the contract. Much of this data will be in the form of the deliverables provided to the Government under the contract (final report, drawings, specifications, etc.). Some data, however, will be in the form of computations, preliminary data, records of experiments, etc., and these will be the data that will be required to be kept over and above the deliverables. The purpose of such recordkeeping requirements is to insure that the Government can fully evaluate the research in order to ascertain future activities and to insure that the research was completed and fully reported, as well as to give the public an opportunity to assess the research results and secure any additional information. All data covered by this clause is unlimited rights data paid for by the Government.

Paragraph (d) of the Rights in Data–General clause outlines a procedure whereby a contracting officer can challenge restrictive markings on data delivered. Under civilian agency contracts, limited rights data or restricted computer software is rarely, if ever, delivered to the Government. Therefore, there will rarely be any challenges. Thus, there is no burden on the public.

B. Annual Reporting Burden

Respondents: 1,100.

Responses Per Respondent: 1.

Annual Responses: 1,100.

Hours Per Response: .95.

*Total Burden Hours:*1,040.

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows:

Recordkeepers: 9,000.

Hours Per Recordkeeper: 2.

Total Recordkeeping Burden Hours: 18,000 .

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0090, Rights in Data and Copyrights, in all correspondence.

Dated: March 2, 2007.

Ralph DeStefano,

Director, Contract Policy Division.

[FR Doc. 07–1064 Filed 3–6–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Missile Defense Advisory Committee (MDAC)

AGENCY: Department of Defense, Missile Defense Agency (MDA)

ACTION: Notice of closed meeting.

SUMMARY: The Missile Defense Advisory Committee will meet in closed session on March 21–22, 2007, in Washington, DC.

The mission of the Missile Defense Advisory Committee is to provide the Department of Defense advice on all matters relating to missile defense, including system development, technology, program maturity and readiness of configurations of the Ballistic Missile Defense System (BMDS) to enter the acquisition process. At this meeting, the Committee will receive classified briefings by intelligence officials concerning estimated future developments.

FOR FURTHER INFORMATION CONTACT: COL David R. Wolf, Designated Federal Official (DFO) at *david.wolf@mda.mil,* phone/voice mail (703) 695–6438, or mail at 7100 Defense Pentagon, Washington, DC 20301–7100.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Missile Defense Advisory Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meeting will be closed to the public.

Dated: March 1, 2007.

L.M. Bynum,

OSD Federal Register Liaison Office, Department of Defense.

[FR Doc. 07–1055 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Uniform Formulary Beneficiary Advisory Panel

AGENCY: Assistant Secretary of Defense (Health Affairs), Department of Defense.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Uniform Formulary Beneficiary Advisory Panel. The panel will review and comment on recommendations made to the Director, TRICARE Management Activity, by the Pharmacy and Therapeutics Committee regarding the Uniform Formulary. The

meeting will be open to the public. Seating is limited and will be provided only to the first 220 people signing in. All persons must sign in legibly. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: Wednesday, March 22, 2007, from 8 a.m. to 4 p.m.

ADDRESSES: Naval Heritage Center Theater, 701 Pennsylvania Avenue, NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Major Travis Watson, TRICARE Management Activity, Pharmaceutical Operations Directorate, Beneficiary Advisory Panel, Suite 810, 5111 Leesburg Pike, Falls Church, VA 22041, telephone 703–681–2890, fax 703–681–1940, or e-mail at *baprequests.@tma.osd.mil.*

SUPPLEMENTARY INFORMATION: The Uniform Formulary Beneficiary Advisory Panel will only review and comment on the development of the Uniform Formulary as reflected in the recommendations of the DOD Pharmacy and Therapeutics (P&T) Committee coming out of that body's meeting in February 2007. The P&T Committee information and subject matter concerning drug classes reviewed for that meeting are available at *http://pec.ha.osd.mil.* Any private citizen is permitted to file a written statement with the advisory panel. Statements must be submitted electronically to *baprequests.@tma.osd.mil* no later than March 15, 2007. Any private citizen is permitted to speak at the Beneficiary Advisory Panel meeting, time permitting. One hour will be reserved for public comments, and speaking times will be assigned only to the first twelve citizens to sign up at the meeting, on a first-come, first-served basis. The amount of time allocated to a speaker will not exceed five minutes.

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07–1059 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2007–OS–0018]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Office of the Secretary of Defense proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on April 6, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Irvin at (703) 696–4940.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on February 26, 2007, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DSCA 02

SYSTEM NAME:

Regional International Outreach System.

SYSTEM LOCATION:

Space and Naval Warfare Systems Center Charleston—Europe Offices, Kelley Barracks, Bldg. 3315, 70567 Stuttgart-Moeringen, Germany.

Space and Naval Warfare Systems Center Charleston, One Innovation Drive, Hanahan, SC 29406–4200.

Naval Postgraduate School, School of International Graduate Studies, 1 University Circle, Herrmann Hall, M6E, Monterey, CA 93943–5216.

Africa Center for Strategic Studies, National Defense University, 300 5th Avenue, Bldg. 62, Fort McNair, Washington, DC 20319–5066.

Asia-Pacific Center for Security Studies, 2058 Maluhia Rd., Honolulu, HI 96815–1949.

Center for Hemispheric Defense Studies, National Defense University at Coast Guard Headquarters building, 2100 Second Street SW., Suite 4118, Washington, DC 20593–0001.

George C. Marshall European Center for Security Studies, Gernackerstrasse 2, Gebaude 101, D–82467 Garmsch-Partenkirchen, Germany.

Near East South Asia Center for Security Studies, National Defense University at Coast Guard Headquarters building, 2100 Second Street SW., Suite 4308, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD Military and civilian employees, students, alumni, contractors, who interact with the Regional Centers for Security Studies, and subject matter experts of the Department of Defense's Regional Centers for Security Studies, School of International Graduate Studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, e-mail address, home address, organization, phone number, and biographic information such as expertise, background, education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and 10 U.S.C. 113, Secretary of Defense.

PURPOSE(S):

To improve international outreach efforts (with students, graduates and subject matter experts) and collaboration among the Regional Centers for Security Studies, School of International Graduate Studies and the Defense Security Cooperation Agency. The system of records will provide the capability to compile statistical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name, country, month/year of attendance, and subject.

SAFEGUARDS:

Access is limited to those individuals who require access to the records to perform official and assigned duties. Physical access is limited through the use of locks, guards, card swipe, and other administrative procedures. The electronic records deployed on accredited systems with access restricted by the use of login, password, and/or card swipe protocols. Employees are warned through screen log-on, protocols and in briefings of the consequences of improper access or use of the data. In addition, users are required to shutdown their workstations when leaving the work area. The Web-based files are encrypted in accordance with approved information assurance protocols. During non-duty hours, records are secured in access-controlled buildings, offices, cabinets or computer systems. The requested data is voluntary and users consent to share their information with other contacts.

RETENTION AND DISPOSAL:

Records will be destroyed ten years after an individual last actively participated.

SYSTEM MANAGER AND ADDRESS:

Regional International Outreach Program Manager, Defense Security Cooperation Agency, ATTN: PGM/MGT—RIO PM, 201 12th Street, Suite 203, Arlington, VA 22202–4306.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Regional International Outreach Program Manager, Defense Security Cooperation Agency, ATTN: PGM/MGT—RIO PM, 201 12th Street, Suite 203, Arlington, VA 22202–4306.

Requests should contain the full name, e-mail address, address, phone number, and organization.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Regional International Outreach Program Manager, Defense Security Cooperation Agency, ATTN: PGM/MGT—RIO PM, 201 12th Street, Suite 203, Arlington, VA 22202–4306.

Requests should contain the full name, e-mail address, address, phone number, and organization.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–4023 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2007–OS–0019]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Office of the Secretary of Defense proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on April 6, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Irvin at (703) 696–4940.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on February 26, 2007, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHA 16 DoD

SYSTEM NAME:

Special Needs Program Management Information System (SNPMIS) Records.

SYSTEM LOCATION:

Defense Medical Logistics Standard Support (DMLSS) Program Office, Six Skyline Place, 5109 Leesburg Pike, Suite 908, Falls Church, VA 22041–3215.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Children of members of the Armed Forces and civilians who are entitled to receive early intervention and special education services from the Department of Defense under the Individuals with Disabilities Education Act (IDEA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; family member prefix (FMP); date of birth; sponsor data include name and Social Security Number; sponsor and spouse rank or title, and sponsor's unit; phone numbers of the child's and parents' home, work; and school address; other child care locations and provider's name and title that evaluate and provide intervention; clinics and medical summaries; individual educational program plans; Educational and Developmental Intervention Services process and activities data include referral; evaluation; eligibility; and service plans. Service data includes documentation of service activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95–561, Defense Dependents Education Act of 1978; Public Law 105–85 (DoD FY 1998 Authorization Act) Section 108 and 765; Deputy Secretary of Defense Memorandum, ''Accelerated Implementation of Migrations Systems, Data Standards, and Process Improvement'' 13 October 1993; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness 20 U.S.C Chapter 33, Education Of Individuals With Disabilities; 20 U.S.C. Sections 921 and 1400, Individuals with Disabilities Education Improvement Act of 2004; DoD Instruction 1342.12, Provision of Early Intervention and Special Education Services to Eligible DoD Dependents; DoD 8000.1, Defense Information Management Program; and E.O. 9397 (SSN).

PURPOSE(S):

To document the treatment and activities of the Special Needs and

Educational and Developmental Intervention Services (EDIS) procedures as they pertain to special educational and/or medical needs of children and family members; to perform outreach and prevention activities; to conduct assessment and survey activities; to compile database for statistical analysis, tracking, and reporting; evaluate program effectiveness; and to conduct research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the 5 U.S.C. 552a(b) of the Privacy Act, records of information contained therein are not disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) of the Privacy Act.

To the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) during an on-site survey for the purpose of achieving accreditations for compliance with certain standards and accreditation requirements.

The DoD 'Blanket Routine Uses' set forth at the beginning of the OSD's compilation of systems of records notices apply to this system.

Note: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in file folders and on electronic storage media.

RETRIEVABILITY:

Records may be retrieved by patient name, sponsor's Social Security Number, Family Member Prefix, and provider's name.

SAFEGUARDS:

Records are maintained in a secure, limited access, or monitored area. Physical entry by unauthorized persons is restricted by the use of locks, guards, or administrative procedures. Access to personal information is limited to those who require the records to perform their official duties. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

RETENTION AND DISPOSAL:

Disposition pending (treat records as permanent until the National Archives and Records Administration have approved the retention and disposition schedule).

SYSTEM MANAGER(S) AND ADDRESS:

Military Health Systems/Program Executive, Defense Medical Logistics Standard Support Program Office, Six Skyline Place, 5109 Leesburg Pike, Suite 908, Falls Church, VA 22041–3215.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address inquires to Educational and Developmental Intervention Services clinics or Medical Records Department of the participating Medical Treatment Facility where the child's service was provided.

Requests should contain individual's full name, individual's Family Member Prefix, and individual's sponsor's SSN.

Requests for a list of participating Educational and Developmental Intervention Services clinics can be obtained by addressing written inquires to Military Health System/Program Executive, Defense Medical Logistics Standard Support Program Office, 5109 Leesburg Pike, Suite 908, Falls Church, VA 22041–3201.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Educational and Developmental Intervention Services clinics or Medical Records Department of the participating Medical Treatment Facility where the child service was provided.

Requests should contain the child's full name, family member prefix, and the sponsor's SSN.

Requests for a list of participating Educational and Developmental Intervention Services clinics can be obtained by addressing written inquires to Military Health System/Program Executive, Defense Medical Logistics Standard Support Program Office, 5109 Leesburg Pike, Suite 908, Falls Church, VA 22041–3201.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; reports from physicians and other medical department personnel; reports and information from other sources including educational institutions; medical institutions; public and private health; and welfare agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–4025 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2007–OS–0020]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to add a new system of records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a new system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on April 6, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above. The proposed system report, as required by 5 U.S.C. 552a of the Privacy Act of 1974, as amended, was submitted on February 26, 2007, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated December 12, 2000, 65 FR 239.

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7340c

SYSTEM NAME:

Defense Workload Operations Web System (DWOWS).

SYSTEM LOCATION:

Defense Finance and Accounting Service—Indianapolis, 8899 East 56th Street, Indianapolis, IN 46249–3250.

Defense Finance and Accounting Service—Cleveland, 1240 East Ninth Street, Cleveland, OH 44199–2055.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy, Army, Air Force, Marine Corps, Active Duty and Reserve members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number (SSN), e-mail messages, faxes, letters, memorandum, telephone calls, and tracking reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 55, Pay Administration; 37 U.S.C. Chapter 19, Pay and Allowances of the Uniformed Services; Department of Defense Financial Management Regulation (DoDFMR) 7000.14–R, Vol 7A; and E.O. 9397 (SSN).

PURPOSE(S):

An Internet (WEB) based system used by the DFAS to track communications and inquires (e-mails, faxes, letters memorandum, and phone calls) received and processed for Army, Air Force, Marine Corps and Navy's Active Duty and Reserve members, to include questions involving the Savings Deposit Program, and by management for benchmark reporting in order to track the turn-around time on financial inquires.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: To the American Red Cross and military relief societies to assist military personnel and their dependents in determining the status of monthly pay, dependents' allotments, loans, and related financial transactions; and to perform other relief-related duties as requested by the service member.

To the Department of Veterans Affairs to report compensation, waivers, and audits, life insurance accounting, disbursement and benefit determinations, and death notices.

To Federal Reserve banks to distribute payments made through the direct deposit system to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts.

The DoD 'Blanket Routine Uses' published at the beginning of the DFAS compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and electronic storage media.

RETRIEVABILITY:

Retrieved by Name and Social Security Number (SSN) of Army, Air Force, Marine Corps, Navy Active Duty or Reserve members and/or case number assigned in the system.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by passwords, which are changed according to agency security policy.

RETENTION AND DISPOSAL:

Records are cut off at the end of the fiscal year and destroyed at 6 years and 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Military Pay Systems, Defense Finance and Accounting Service—Denver (DFAS–TSBB/DE), 6760 E. Irvington Place, Denver, CO 80279–8000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/ Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Individuals should furnish full name, Social Security Number, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Individuals should furnish full name, Social Security Number, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/ Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

Subject individual, Federal agencies and the Military Services (Army, Air Force, Marine Corps and Navy).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–4030 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[USAF–2007–0016]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Add a Record System.

SUMMARY: The Department of the Air Force proposes to add a system of records notice to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The actions will be effective on April 6, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCISI, 1800 Air Force Pentagon, Suite 220, Washington, DC 20330–1800.

FOR FURTHER INFORMATION CONTACT: Ms. Novella Hill at (703) 588–7855.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 522a(r) of the Privacy Act of 1974, as amended, was submitted on February 26, 2007, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F031 AFCAF/CASPR A

SYSTEM NAME:

Air Force Central Adjudication Facility (AFCAF) Central Adjudication Security Personnel Repository (CASPR) Records.

SYSTEM LOCATION:

Air Force Central Adjudication Facility, 229 Brookley Avenue, Bolling AFB, DC 20032–7040.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force civilian employees and applicants; Air Force military members and prospective members, including Air Force Reserve and Air National Guard; Air Force contractor employees requiring unescorted access; Air Force Academy and Reserve Officer Training Corp Cadets and applicants; overseas educators involved in the education and orientation of military personnel; Non-appropriated Fund Instrumentality; personnel and applicants for sensitive positions; personnel requiring Department of Defense building passes, whose personnel security investigations contain significant unfavorable information, whose cases were previously processed or adjudicated under the Air Force Military or Civilian Security Programs, or who are the subject of Security Information Files initiated by commanders. Included as well are Contractors, Military and Civilian employees of Special Access Programs, and AFCAF civilian and contractor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records documenting the personnel security adjudicative and management process, to include individual's Social Security Number; name; date of birth; type of Air Force affiliation; employing activity; status of current adjudicative action; records managing Freedom of Information Act and Privacy Act requests; and Congressional inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; 5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 7531–7533; E.O. 10450, Security Requirements for Government Employment; DoD 5200.2–R, Department of Defense Personnel Security Program; and E.O. 9397 (SSN).

PURPOSE(S):

Central Adjudication Security Personnel Repository (CASPR) records will be used as a management tool and to compile statistical data to measure the effectiveness of the adjudicative program and procedures for the Department of Air Force.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b), the Privacy Act of 1974, these records or information contained therein may specifically be may be disclosed outside of DoD as follows to:

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Air Force's compilation of system of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, SAFEGUARDING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records contained in the system are stored on electronic media (such as CD–ROM disks, optical digital data disks, computers, and computer output products).

RETRIEVABILITY:

Individual name, Social Security Number (SSN) and Case Number as assigned.

SAFEGUARDS:

Electronically and optically stored records are maintained in ''fail safe'' system software with password-protected access. Only authorized personnel with a valid need-to-know are allowed to access. Additionally, users are subject to limitation within the system, based on their specific functions.

RETENTION AND DISPOSAL:

Automated data is stored actively during the adjudicative process. When either (1) the case has been closed or (2) the subject's affiliation with the Air Force ends, the records will be archived. Destruction of automated records is by erasure and/or degaussing.

SYSTEM MANAGER AND ADDRESS:

Director, Department of the Air Force, Air Force Central Adjudication Facility, 229 Brookley Avenue, Bolling AFB, Washington, DC 20032–7040.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Air Force Central Adjudication Facility, 229 Brookley Avenue, Bolling AFB, Washington, DC 20032–7040.

Individual should provide their full name, Social Security Number, place and date of birth, full address, and a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746.

RECORDS ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Department of the Air Force, Air Force Central Adjudication Facility, 229 Brookley Avenue Bolling AFB, Washington, DC 20032–7040.

Individual should provide their full name, Social Security Number, place and date of birth, full address, and a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746.

CONTESTING RECORDS PROCEDURES:

The Air Force rules for accessing records, and for contesting contents or appealing initial agency determinations are published in Air Force Instruction 33–332; 32 CFR part 806b; or may be obtained from the system manager.

RECORDS SOURCE CATEGORIES:

Information contained in this system is derived from investigative agencies, personnel and medical records, correspondences from offices and organization of assignment, Commanders, and Air Force Staff Offices; and records maintained by adjudicator personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–4021 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[USAF–2007–0017]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Add a System of Records.

SUMMARY: The Department of the Air Force proposes to add a system of records notice to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The actions will be effective on April 6, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCISI, 1800 Air Force Pentagon, Suite 220, Washington, DC 20330–1800.

FOR FURTHER INFORMATION CONTACT: Ms. Novella Hill at (703) 588–7855.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 522a(r) of the Privacy Act of 1974, as amended, was submitted on February 26, 2007, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F0 33 AFRC A

SYSTEM NAME:

Reserve Participation Management Systems.

SYSTEM LOCATION:

Headquarters, United States Air Force Reserve Command (AFRC), 155 Richard Ray Blvd., Building 210, Robins AFB, GA 31098–1635.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve civilian and military personnel to include reservists and Individual Mobilization Augmentees (IMAs)).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number (SSN), organization name, e-mail address, skills, biography, assignment history, duty types and dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 10204, Personal Records; Air Force Policy Directive 36–26, Military Force Management; and E.O. 9397 (SSN).

PURPOSE(S):

To assist officials and employees of the Air Force Reserve in their official duties related to the management, supervision, and administration of personnel, and in the operation of personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Records are retrieved by name and Social Security Number (SSN).

SAFEGUARDS:

Access is limited to those individuals who require the records for the performance of their official duties. Paper records are maintained in buildings with controlled or monitored access. During non-duty hours, records are secured in locked or guarded buildings, locked offices, or guarded cabinets. The electronic records systems employ user identification and password or smart card technology protocols.

RETENTION AND DISPOSAL:

Data stored digitally is retained until a member leaves the Air Force Reserve. Non-active data records are digitally archived within the system until it is determined it can be disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

AFRC Deputy Chief Information Officer for Software Integration, Directorate of Communications and Information, HQ AFRC/A6, 155 Richard Ray Blvd., Robins AFB, GA 31098–1635.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to AFRC Deputy Chief Information Officer for Software Integration, Directorate of Communications and Information, HQ AFRC/A6, 155 Richard Ray Blvd., Robins AFB, GA 31098–1635 or via e-Mail to *reservenet@afrc.af.mil.*

Requests should contain the individual's full name, Social Security Number, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to AFRC Deputy Chief Information Officer for Software Integration, Directorate of Communications and Information, HQ AFRC/A6, 155 Richard Ray Blvd., Robins AFB, GA 31098–1635 or via e-mail to *reservenet@afrc.af.mil.*

Requests should contain the individual's full name, Social Security Number, current address, and telephone number.

CONTESTING RECORDS PROCEDURES:

The Air Force rules for accessing records and for contesting and appealing initial agency determinations are published in AFI 33–332; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals or authorized Air Force/DoD automated systems such as the Military Personnel Data System (MILPDS), the Air Force Fitness Management System, and the Preventive Health Assessment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–4022 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement (EIS)/ Overseas Environmental Impact Statement (OEIS) for the Relocation of U.S. Marine Corps Forces to Guam, Enhancement of Infrastructure and Logistic Capabilities, Improvement of Pier/Waterfront Infrastructure for Transient U.S. Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam, and Placement of a U.S. Army Ballistic Missile Defense (BMD) Task Force in Guam

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and Executive Order 12114, the Department of the Navy (DON) announces its intent to prepare an EIS/OEIS to evaluate the potential environmental effects associated with relocating Command, Air, Ground, and Logistics units (which includes approximately 8,000 service members and 9,000 family members) from Okinawa, Japan to Guam. The EIS/OEIS will examine potential impacts from activities associated with the Marine Corps units' relocation to include operations, training, and infrastructure changes.

DON also proposes to enhance the infrastructure, logistic capabilities, and improve pier/waterfront facilities to support transient CVN berthing at Naval Base Guam. The EIS/OEIS will examine potential impacts of the waterfront improvements associated with the proposed transient berthing.

Finally, the proposed action will evaluate placing a BMD task force (approximately 630 service members and 950 family members) in Guam. The EIS/OEIS will examine potential impacts from activities associated with the task force to include operations, training, and infrastructure changes.

The purpose and need of the proposed action is to fulfill U.S. government national security and alliance requirements in the Western Pacific Region. Guam's location as the westernmost part of the United States is critical to national security. The Department of Defense (DoD) national security strategy would increase the role of Guam and the Commonwealth of the Northern Mariana Islands (CNMI) through the relocation of Marines to Guam, increased presence of a transient CVN, and enhanced capability to defend critical military assets.

Mission critical, mission support, and community support infrastructure improvements are needed to ensure that Navy Region Marianas can provide expanded direct support of the DoD strategic mission and operational readiness in the Western Pacific Region. Infrastructure improvements would need to provide:

- Military training, subsequent garrison, operations, and infrastructure to support the U.S. Marines relocation to Guam.
- Port infrastructure for support to the transient presence of a CVN within Apra Harbor.
- Infrastructure to support the BMD task force, which can intercept missiles with potential to impact the critical military assets.

The EIS/OEIS will consider reasonable alternatives for siting operational, training, and support facilities on Guam, in addition to the no-action alternative. The DON Joint Guam Program Office (JGPO) will seek the input of the public on siting alternatives during the scoping meetings described below.

Seven Federal agencies will be invited to be cooperating agencies: National Oceanographic and Atmospheric Administration; National Marine Fisheries; U.S. Fish and Wildlife Service; U.S. Department of Agriculture, Wildlife Services; Department of Transportation Federal Highway Administration; Federal Aviation Administration; and the National Park Service.

DATES AND ADDRESSES: Public scoping meetings will be held on Guam, Saipan, and Tinian to receive oral and/or written comments that should be addressed in the EIS/OEIS. The public scoping open houses will be held at the following dates, times, and locations:

1. Tuesday, April 3, 2007, 5 p.m.–8 p.m., location TBD (Guam, in central business area);
2. Wednesday, April 4, 2007, 5 p.m.–8 p.m., location TBD (Saipan); and
3. Thursday, April 5, 2007, 5 p.m.–8 p.m., location TBD (Tinian).

Federal Agencies, Government of Guam agencies, Government of CNMI agencies, the public, and other interested parties are encouraged to provide oral and/or written comments to the DON to identify specific issues or topics for consideration in the EIS/OEIS. The DON will consider comments received in determining the scope of the EIS/OEIS.

FOR FURTHER INFORMATION CONTACT: Captain Robert Lee, Commander, Navy Region Marianas, PSC 455 Box 152, FPO AP, Guam 96540, telephone 671–339–6156, e-mail at: *Robert.Lee@guam.navy.mil.*

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense directed the DON to establish a JGPO to facilitate, manage, coordinate, and execute certain DoD actions in Guam. The proposed actions for consideration in the announced EIS/OEIS are under the cognizance of the JGPO, the DON action proponent.

Guam is host to the westernmost U.S. military installation on U.S. soil, and is located 2,400 kilometers (1,500 miles) from the Western Pacific Rim. The location of Guam allows for rapid deployment of military units to areas of possible conflict in the Western Pacific Region. The proposed action is required to maintain the DON's capability to accomplish its mission in this critical geographic region in support of the U.S./Japan Alliance and consistent with the DoD Integrated Global Positioning and Basing Strategy and Quadrennial Defense Review.

The proposed action would relocate an Air Combat Element, Command Element, Ground Combat Element, and Command Service Support Element of the U.S. Marines to Guam, provide enhanced CVN transient operational capability and logistics support at Guam Naval Base, and for defense, locate a U.S. Army BMD task force on Guam. The proposed action includes rehabilitation or construction of operational facilities, support facilities (such as housing), and training areas on Guam and other locations within the Mariana Islands.

The EIS/OEIS will analyze a range of alternative sites for facilities needed to support the proposed actions. Administrative, housing, training, and operations functions will be evaluated to determine a range of reasonable alternative locations within the Marianas. Reasonable alternatives, including, but not limited to, alternative configurations within Guam and the CNMI, will be considered to accommodate the operations, training, and infrastructure requirements associated with the proposed relocation of service and family members, the enhancement of CVN transient operational capabilities, and the siting of a U.S. Army BMD task force with its service and family members. The EIS/OEIS also will analyze and consider the No Action alternative.

Impacts and issues to be addressed in the EIS/OEIS include, but are not limited to, the following resource areas: Coral and coral reefs, marine and

terrestrial natural resources, including threatened and endangered species, water quality, noise, land use, airspace management, fishing, navigation, recreation, historical and cultural resources, utilities, and socioeconomics. The EIS/OEIS will include an evaluation of the project's direct, indirect, short-term, long-term, and cumulative impacts. No decision will be made to implement any alternative until the EIS/OEIS process is completed and a Record of Decision is signed by the Assistant Secretary of the Navy (Installations and Environment).

The JGPO is initiating the scoping process to identify community concerns and local issues to be addressed in the EIS/OEIS. Federal agencies, State agencies, local agencies, and interested persons are encouraged to provide oral and/or written comments identifying specific issues or topics of environmental concern that should be addressed in the EIS/OEIS. Written comments must be postmarked by May 1, 2007, and should be mailed to: JGPO, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134, Attention: EV2.

Dated: February 28, 2007.

M.A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E7–3800 Filed 3–6–07; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to Delete Systems of Records.

SUMMARY: The Department of the Navy is deleting two system of records notices from its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: Effective March 7, 2007.

ADDRESSES: Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations, (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Ms. Doris Lama at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed deletions are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:

N01070–4

Naval Reserve Security Group Personnel Records (February 22, 1993, 58 FR 10697).

Reason: System is obsolete. Information on reservists is maintained in their military personnel file, security clearance file, etc.

N04410–1

File of Records of Acquisition, Transfer and Disposal of Privately Owned Vehicles (September 20, 1993, 58 FR 48852).

Reason: Activity has been disestablished and all files destroyed.

[FR Doc. E7–4026 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[USN–2007–0018]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice To Amend System of Records.

SUMMARY: The Department of the Navy is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 6, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NM01650–1

SYSTEM NAME:

Department of the Navy (DON) Military Awards System (November 23, 2005, 70 FR 70597).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete ''(DNS–37)'' and replace with ''(DNS–35).''

Delete ''*http://neds.daps.dla.mil/sndl.htm.*'' and replace with ''*http://doni.daps.dla.mil/sndl.aspx.*''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete ''1650.1G'' and replace with ''1650.1H''.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete ''(DNS–37)'' and replace with ''(DNS–35)''.

* * * * *

NOTIFICATION PROCEDURE:

Delete ''(DNS–37)'' and replace with ''(DNS–35)''.

RECORD ACCESS PROCEDURES:

Delete ''(DNS–37)'' and replace with ''(DNS–35)''.

* * * * *

NM01650–1

SYSTEM NAME:

Department of the Navy (DON) Military Awards System.

SYSTEM LOCATION:

Chief of Naval Operations (DNS–35), 2000 Navy Pentagon, Washington, DC 20350–2000; Headquarters, U.S. Marine Corps, Manpower and Reserve Affairs Department, Personnel Management Division, Military Awards Branch (MMMA), 3280 Russell Road, MCB Quantico, VA 22134–5103; and organizational elements of the Department of the Navy.

Official mailing addresses are published in the Standard Navy

Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx*.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy Awards: All recipients of Navy and Marine Corps personal awards, to include the U.S. Coast Guard, Navy, and Marine Corps military personnel who receive personal awards from other U.S. Armed Forces.

Marine Corps Awards: Approved individual awards from 1917 to present; approved unit awards from 1941 to present; Awards Processing System contains digital information regarding awards approved by the Secretary of the Navy, the Commandant of the Marine Corps, and the various delegated awarding authorities throughout the Marine Corps from 2000 to present.

Individual records contain a copy of the approved personal award recommendation which contains the member's full name, Social Security Number, award recommended, award approved, unit assigned at the time of action or period of service, originator of the award recommendation, and a copy of the approved award citation/ certificate.

Tertiary records include paper records and microfilmed records which contain the member's full name, service number or Social Security Number, rank or grade recommended award, approved award, approval date originator of the award, the approval authority, period of the award, and chain of command information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Approved individual personal awards for 1967 and continuing; approved unit awards for 1941 and continuing; Navy Department Awards Web Service—File includes awards approved by the Secretary of the Navy and those authorized for approval by subordinate commanders. Record includes service member's name, service number/Social Security Number, award recommended, and award approved. A second section of the file contains activities awarded Unit Awards and the dates of eligibility; microfilm copies of approved World War II—1967 personal awards; Navy Department Awards Web Service electronic data base that includes data extracted from OPNAV Form 1650/3, Personal Award Recommendation, such as name, Social Security Number, type of award, approval authority, recommended award, approved award, meritorious start and end dates, service status of recipient, originator of the recommendation, designator, Unit Identification Codes, officer or enlisted, service component, rate/rating, pay grade, number of award recommended, assigned billet of individual, campaign designation, classified or unclassified designated award, date of recommendation, award approved date, approved award, chain of command data, extraordinary heroism determination, letter type, board serial number, pertinent facts, date forwarded to Secretary of the Navy, Board's recommendation, participating command field, Board meeting data, receipt date by Board of Decorations and Medals, name of unit, name of ship, command points of contact that includes telephone numbers and email addresses, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; Secretary of the Navy Instruction 1650.1H, Navy and Marine Corps Awards Manual; and E.O. 9397 (SSN).

PURPOSE(S):

To maintain records of military personal awards and unit awards and to electronically process award recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

To public and private organizations, including news media, for the purpose of granting access and/or publicizing awards or honors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic, paper, and microfilm records.

RETRIEVABILITY:

Name, Social Security Number, and individual unit name.

SAFEGUARDS:

Automated database requires authorized access; password protected; some user sites only have read capability; designated user capability regarding add/delete/change functions. Paper and microfiche records are under the control of authorized personnel during working hours and the office space in which records are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Permanent. A duplicate copy of the active file is provided to the National Archives and Records Administration (NARA). History files for the years 1967 to 1989 have been transferred to NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Navy Awards: Chief of Naval Operations (DNS–35), 2000 Navy Pentagon, Washington, DC 20350–2000.

Marine Corps Awards: Headquarters U.S. Marine Corps, Manpower and Reserve Affairs Department, Personnel Management Division, Military Awards Branch (MMMA), 3280 Russell Road, MCB Quantico, Virginia 22134–5103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should contact their local Personnel Support Activity or Personnel Support Detachment for a search of their Navy military personnel record or write to the Chief of Naval Operations (DNS–35) 2000 Navy Pentagon, Washington, DC 20350–2000.

Marine Corps personnel seeking to determine whether information about themselves is contained in this system of records should contact their unit administrative officer (G–1/S–1) for a search of their Service Record Book/ Officer Qualification Record or write to Headquarters U.S. Marine Corps, Manpower and Reserve Affairs Department, Personnel Management Division, Military Awards Branch (MMMA), 3280 Russell Road, MCB Quantico, Virginia 22134–5103.

All other individuals seeking to determine whether information about themselves is contained in this system of records should contact either the Chief of Naval Operations, Navy Awards Branch (DNS–35), 2000 Navy Pentagon, Washington, DC 20350–2000 (for U.S. Navy awards) or Headquarters U.S. Marine Corps, Manpower and Reserve Affairs Department, Personnel Management Division, Military Awards Branch (MMMA), MCB Quantico, Virginia 22134–5103 (for U.S. Marine Corps awards).

RECORD ACCESS PROCEDURES:

Navy individuals seeking access to information about themselves contained in this system of records should contact their local Personnel Support Activity or Personnel Support Detachment for a search of their Navy military personnel record or write to the Chief of Naval Operations (DNS–35) 2000 Navy Pentagon, Washington, DC 20350–2000.

Marine Corps individuals seeking access to information about themselves contained in this system of records should contact their unit administrative officer (G–1/S–1) for a search of their Service Record Book/Officer Qualification Record or write to Headquarters, U.S. Marine Corps, Manpower and Reserve Affairs Department, Personnel Management Division, Military Awards Branch (MMMA), 3280 Russell Road, MCB Quantico, Virginia 22134–5103.

All other individuals seeking access to information about themselves contained in this system of records should contact either the Chief of Naval Operations, Navy Awards Branch (DNS–35), 2000 Navy Pentagon, Washington, DC 20350–2000 (for U.S. Navy awards) or Headquarters, U.S. Marine Corps, Manpower and Reserve Affairs Department, Personnel Management Division, Military Awards Branch (MMMA), 3280 Russell Road, MCB Quantico, Virginia 22134–5103 (for U.S. Marine Corps awards).

Requests should include full name, Social Security Number, time period of award, and must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy Department Awards Web Service; OPNAV Form 1650/3, Personal Award Recommendation Form; general orders; military personnel file; medical file; deck logs; command histories; and award letter 1650.

Marine Corps Awards histories, the award letter 1650, Marine Corps Awards Processing System, Personal Award Recommendation (OPNAV 1650/3), Marine Corps orders, official military records, command histories, historical paper copies of personal award citations, and microfilm copies of Navy and Marine Corps 3x5 award cards.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–4028 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[USN–2007–0019]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to Amend System of Records.

SUMMARY: The Department of the Navy is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 6, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01070–5

SYSTEM NAME:

Database of Retired Navy Flag Officers (July 19, 2000, 65 FR 44766).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete ''(N09BC)'' and replace with ''(DNS–4)''.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 5013, Secretary of the Navy.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete ''(N09BC)'' and replace with ''(DNS–4)''.

NOTIFICATION PROCEDURE:

At end of entry, add ''or visit the Retired Flag Web Site.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals can access their personal data via the Retired Flag Web and make necessary changes to ensure information is accurate.''

* * * * *

N01070–5

SYSTEM NAME:

Database of Retired Navy Flag Officers.

SYSTEM LOCATION:

Office of the Chief of Naval Operations (DNS–4), 2000 Navy Pentagon, Washington, DC 20350–2000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Navy Flag Officers who voluntarily request to be part of the Retired Flag Officer Web Site.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains personal and professional information, such as full name and nickname, rank, work and/or home address, home and/or office telephone/FAX/pager numbers, e-mail address, and spouse's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy.

PURPOSE(S):

To maintain a directory of retired Navy flag officers for the purpose of providing briefings and outreach materials, and facilitating interaction between retired and active duty Navy flag officers via a limited access Web site.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized data base.

RETRIEVABILITY:

Individual's name.

SAFEGUARDS:

Computerized data base is password protected and access is limited. The office is locked at the close of business. The office is located in the Pentagon which is guarded.

RETENTION AND DISPOSAL:

Records are kept until the person is deceased or the person seeks removal of information, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (DNS–4), 2000 Navy Pentagon, Washington, DC 20350–2000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Naval Operations (DNS–4), 2000 Navy Pentagon, Washington, DC 20350–2000 or visit the Retired Flag Web site.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system can access their personal data via the Retired Flag Web and make necessary changes to ensure information is accurate.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–4029 Filed 3–6–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Early Reading First Program; Notice Reopening the Deadline Date for Transmittal of Pre-Applications for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.359A/B.

SUMMARY: On January 22, 2007, we published in the **Federal Register** (72 FR 2667) a notice inviting applications for the Early Reading First (ERF) FY 2007 competition. The deadline date for eligible applicants to transmit their pre-applications for funding under this competition was February 21, 2007. We are reopening the pre-application phase of the ERF FY 2007 competition for all eligible local educational agencies (LEAs) and for eligible entities located in communities served by those LEAs. Applicants must refer to the notice inviting applications that was published in the **Federal Register** (72 FR 2667) for all other requirements concerning this reopened competition.

We are extending the pre-application phase of the ERF FY 2007 competition for all eligible applicants, including non-LEAs, because the originally posted State lists of eligible LEAs did not include all LEAs that were eligible as of January 22, 2007, and included some LEAs that were ineligible as of that date. The new deadline date for applicants to submit pre-applications is:

Deadline for Transmittal of Pre-Applications: March 23, 2007.

Pre-applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information about how to submit your pre-application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to the original application notice published in the **Federal Register** on January 22, 2007 (72 FR 2667).

We do not consider a pre-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**.

Note: Applicants that successfully submitted their complete pre-applications on or before the original deadline date of February 21, 2007, including those that were not timely because they submitted their pre-applications between 4:30 p.m. and midnight on that date, are not required to resubmit their applications. Any applicant that did not successfully submit its application must download, complete, and submit an entirely new application package through Grants.gov as specified in the original ERF application notice.

Deadline for Intergovernmental Review: The deadline date for Intergovernmental Review under Executive Order 12372 remains as originally published, July 30, 2007.

SUPPLEMENTARY INFORMATION:

Eligible LEAs. Eligibility determinations are made as of January 22, 2007. Corrected lists of eligible LEAs by State are posted for the convenience of applicants on the ERF Web site at *http://www.ed.gov/programs/earlyreading/eligibility.html.*

We have contacted each State's Reading First office and the Bureau of Indian Education (BIE) and obtained lists of the LEAs that each State and the BIE considers to be eligible for a Reading First subgrant as of January 22, 2007, the date of publication of the original ERF notice inviting applications for this FY 2007 competition.

Please note, however, that we consider it to be each applicant's own responsibility to verify with the Reading First office in its State or with the BIE the eligibility of a particular LEA for a Reading First subgrant as of January 22, 2007. A list of State and BIE contacts for this purpose is posted also at the ERF Web site at *http://www.ed.gov/programs/earlyreading/eligibility.html.*

Ineligible LEAs. The originally posted eligible LEA lists included some LEAs that are not eligible. Any LEA that was not eligible for a Reading First subgrant in its State or through the BIE as of January 22, 2007, is not eligible to receive an ERF subgrant in this FY 2007 competition. Nor are any entities located in communities served by those ineligible LEAs eligible to receive an ERF subgrant in this competition on the basis of that location.

Application Submission Information. Information concerning submission of pre-applications for grants under the ERF program (CFDA Number 84.359A) is described in section IV (Application and Submission Information) of the original application notice published in the **Federal Register** on January 22, 2007 (72 FR 2667). That notice is available at the following Web site: *http://www.ed.gov/news/ fedregister/ announce/index.html.*

Note: If you try to submit a pre-application package that was downloaded from Grants.gov before the original pre-application deadline of February 21, 2007, your submission will be rejected by the Grants.gov system.

Note: If you wish to exercise the *Exception to Electronic Submission Requirements*, you must submit no later than March 9, 2007 a statement to the Department requesting an exception to these requirements and explaining the grounds that prevent you from using the Internet to submit your pre-application.

FOR FURTHER INFORMATION CONTACT: Pilla Parker, U.S. Department of Education, 400 Maryland Avenue, SW., room

3C136, Washington, DC 20202–6132. Telephone: (202) 260–3710 or by e-mail: *Pilla.Parker@ed.gov*; or Rebecca Marek, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C138, Washington, DC 20202–6132. Telephone: (202) 260–0968 or by e-mail: *Rebecca.Marek@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 person listed in this section.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: March 2, 2007.

Raymond Simon,

Deputy Secretary for Education, Delegated the Authority to Perform the Functions of the Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E7–4050 Filed 3–6–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[IC06–423–001, FERC 423]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

February 27, 2007.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review and extension of this information collection requirement. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received comments from four entities in response to an earlier **Federal Register** notice of September 22, 2006 (71 FR 55454–55455) and has provided responses to the commenters in its submission to OMB. Copies of the submission were also submitted to the commenters.

DATES: Comments on the collection of information are due by April 9, 2007.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, c/o *oira_submission@omb.eop.gov* and include the OMB Control No. as a point of reference. The Desk Officer may be reached by telephone at 202–395–4650. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Executive Director, ED–34, Attention: Michael Miller, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings an original and 14 copies, of such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. IC06–423–001.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-Filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's e-mail address upon receipt of comments. User assistance for electronic filings is available at 202–502–8258 or by e-mail to *efiling@ferc.gov*. Comments should not be submitted to this e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For user assistance, contact *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Description

The information collection submitted for OMB review contains the following:

1. *Collection of Information:* FERC 423 ''Monthly Report of Cost and Quality of Fuels for Electric Plants''.
2. *Sponsor:* Federal Energy Regulatory Commission.
3. *Control No.:* 1902–0024.

The Commission is now requesting that OMB approve and extend the expiration date for an additional three years with no changes to the existing collection. The information filed with the Commission is mandatory.

4. *Necessity of the Collection of Information:* Submission of the information is necessary for the Commission to carry out its responsibilities in implementing the statutory provisions of sections 205 (a) and (e); (2) for use in a broad range of fuel cost and purchase practice issues rising from electric utility rate cases; (3) to detect abnormally high fuel costs in utility fuel purchases indicative of affiliate preference at the cost of the consumer; (4) in conjunction with other data, to identify potential out-of-merit plant dispatches carried out by system operators and (5) in conjunction with bid data, provides an indication of market efficiency by providing one of the key components of electricity generation cost.

Other Federal and State agencies, such as the Energy Information Administration and the Environmental Protection Agency, as well as private interest groups, electric utilities and the public use this timely data: (1) To compare each fuel type by quality determinants, in the study of developments in fuel supply which may affect the reliability of electric service, (2) in environmental improvement programs for the different air quality control regions in the United States and (3) for use in analyses of energy and fuel supply impacts on the cost of electric power.

The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 141.61.

5. *Respondent Description:* The respondent universe currently comprises 569 companies (on average) subject to the Commission's jurisdiction.

6. *Estimated Burden:* 6,828 total hours, 569 respondents (average), 12 responses per respondent, and 1 hour per response (average).

7. *Estimated Cost Burden to respondents:* 6,828 hours/2080 hours per years × $117,321 per year = $385,129. The cost per respondent is equal to $677.

Statutory Authority: Statutory provisions of sections 205 (a) and (e) of the Federal Power Act, 16 U.S.C. 824d.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3966 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC07–547–000 FERC–547]

Commission Collection Activities, Proposed Collection; Comment Request; Extension and Reinstatement

March 1, 2007.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due by May 11, 2007.

ADDRESSES: Copies of the proposed collection of information can be obtained from Michael Miller, Office of the Executive Director, ED–34, 888 First Street NE., Washington, DC 20426. Comments on the proposed collection of information may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. IC07–547–000.

Documents filed electronically via the Internet can be prepared in a variety of formats, including WordPerfect, MS Word, Portable Document Format, Rich Text Format or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filings is available at 202–502–8258 or by E-mail to *efiling@ferc.gov*. Comments should not be submitted to this E-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the eLibrary link. For user assistance, contact *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873 and by E-mail at *michael.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–547, ''Gas Pipeline Rates: Refund Report Requirements'' (OMB No. 1902–0084) is used by the Commission to implement the statutory refund provisions governed by sections 4, 5 and 16 of the Natural Gas Act (NGA) (15 U.S.C. 717–717w). Sections 4 and 5 authorize the Commission to order a refund, with interest, on any portion of a natural gas company's increased rate or charge that is found to be not just or reasonable. Refunds may also be instituted by a natural gas company as a stipulation to a Commission-approved settlement agreement or provision under the company's tariff. Section 16 authorizes the Commission to prescribe the rules and regulations necessary to administer its refund mandates. The Commission's refund and reporting requirements are set forth in 18 CFR 154.501 and 154.502.

The data collected allows the Commission to monitor the refunds owed by the natural gas companies and to ensure the passage of the refunds, with applicable interest, to the appropriate natural gas customers.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this information collection is estimated as:

No. of respondents annually (1)	No. of responses per respondent (2)	Average burden (No. of hours per response) (3)	Total annual burden (total No. of hours) (1) × (2) × (3)
60	1	75	4,500

Estimated cost to respondents: 4,500 hours/2,080 per year × $122,137 = $264,238. The cost per respondent = $4,404 (rounded off). The reporting burden includes the total time, effort, or financial resources to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance

of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3995 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–181–000]

ANR Pipeline Company; Notice of Tariff Filing

February 27, 2007.

Take notice that on February 22, 2007, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Twenty Fourth Revised Sheet No. 19, Second Revised Sheet No. 19A, and Thirteenth Revised Sheet No. 68H , to become effective April 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 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. E7–3969 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–183–000]

ANR Storage Company; Notice of Tariff Filing

February 27, 2007.

Take notice that on February 22, 2007, ANR Storage Company (ANR Storage) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Seventh Revised Sheet No. 147, with an effective date of April 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 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. E7–3971 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07–36–000]

Bonneville Power Administration; Notice of Filing

March 1, 2007.

Take notice that on February 14, 2007, Bonneville Power Administration filed a petition of declaratory order disclaiming jurisdiction over the lessor in the proposed lease financing of certain planned electric transmission facilities, pursuant to section 201 of the Federal Power Act, and for exemption from filing fee, pursuant to 18 CFR 381.302, and request for expedited consideration no late than March 16, 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, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to

serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 5, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3994 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL06–44–004]

California Independent System Operator Corporation; Notice of Filing

March 1, 2007.

Take notice that on February 15, 2007, ConocoPhillips Company filed a request for clarification of the February 13, 2006 Commission Order or, in the alternative, request for waiver and cost justification of certain limited wholesale sales made in July 2006 at prices that exceeded the soft bid cap established by the February 13, 2006 Order.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 12, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3993 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–307–000]

Columbia Gas Transmission Corporation; Notice of Tariff Filing and Non-Conforming Service Agreements

February 28, 2007.

Take notice that on February 23, 2007 Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Fifteenth Revised Sheet No. 500B, with a proposed effective date of March 5, 2007.

Columbia also tendered for filing the following Service Agreements for consideration and approval:

FTS Service Agreement No. 91904, between Columbia Gas Transmission Corporation and Hess Corporation, dated February 20, 2007.

FTS Service Agreement No. 91903, between Columbia Gas Transmission Corporation and Hess Corporation, dated February 20, 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. E7–3981 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER07–415–000, ER07–415–001]

DTE Pontiac North, LLC; Notice of Issuance of Order

February 28, 2007.

DTE Pontiac North, LLC (DTEPN) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy, capacity and ancillary services at market-based rates. DTEPN

also requested waivers of various Commission regulations. In particular, DTEPN requested that the Commission grant blanket approval under 18 CFR. Part 34 of all future issuances of securities and assumptions of liability by DTEPN.

On February 28, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by DTEPN should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is March 30, 2007.

Absent a request to be heard in opposition by the deadline above, DTEPN is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of DTEPN, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of DTEPN's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR. 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3977 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–312–000]

Enbridge Pipelines (KPC); Notice of Proposed Changes in FERC Gas Tariff

March 1, 2007.

Take notice that on February 28, 2007, Enbridge Pipelines (KPC) (KPC) tendered for filing as part its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be made effective April 1, 2007:

Ninth Revised Sheet No. 15
Ninth Revised Sheet No. 21
Ninth Revised Sheet No. 26
Ninth Revised Sheet No. 28
Ninth Revised Sheet No. 30
Seventh Revised Sheet No. 31A

KPC states that copies of its transmittal letter and appendices have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible 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. E7–3991 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL03–230–002]

Entergy Services, Inc.; Notice of Filing

February 27, 2007.

Take notice that on February 20, 2007, Entergy Services, Inc. acting agent for Entergy Gulf States, Inc. filed a compliance filing, pursuant to the Commission's January 19, 2007 Order.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the

Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 13, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3964 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–182–000]

Honeoye Storage Corporation; Notice Of Proposed Change In FERC Gas Tariff

February 27, 2007.

Take notice that on February 23, 2007, Honeoye Storage Corporation (Honeoye) tendered for filing as part of its FERC Gas Tariff, First Revised Volume 1A, the following tariff sheets, to be effective April 1, 2007.

Second Revised Sheet No. 3
First Revised Sheet No. 5
First Revised Sheet No. 6
Third Revised Sheet No. 22
First Revised Sheet No. 69
First Revised Sheet No. 74
Second Revised Sheet No. 77
Second Revised Sheet No. 98
Second Revised Sheet No. 99
Original Sheet No. 99A
First Revised Sheet No. 100
Second Revised Sheet No. 106
First Revised Sheet No. 124
Second Revised Sheet No. 130

Honeoye states that copies of the filing are being mailed to Honeoye's jurisdictional customers and interested state regulatory agencies.

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. E7–3970 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–310–000]

Mojave Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 1, 2007.

Take notice that on February 26, 2007, Mojave Pipeline Company (Mojave) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Seventeenth Revised Sheet No. 11, 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 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. E7–3998 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–87–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

February 27, 2007.

Take notice that on February 21, 2007, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP07–87–000, a prior notice request pursuant to sections 157.205, 157.208, and 157.210 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act to increase the horsepower of its Knox Compressor Station, located in Jefferson County, Pennsylvania, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number

field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Specifically, National Fuel proposes to increase the horsepower of its Knox Compressor Station from 1,920 horsepower to 1,968 horsepower. National Fuel states that it would uprate compressor units 3 and 4 from 360 horsepower to 384 horsepower, by increasing the maximum speed of the existing units from 400 RPM to 440 RPM. National Fuel indicates that this work would consist of mechanical, engine, and ignition modifications and related engine and control panel tuning. National Fuel estimates the cost of construction to be $75,000. National Fuel's filing states that this project would create additional capacity from Knox Compressor Station to Overbeck, Pennsylvania on its Line G–M97.

Any questions regarding the application should be directed to David W. Reitz, Deputy General Counsel, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221, or call at (716) 857–7949.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3972 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL03–229–002]

Nevada Power Company; Notice of Filing

February 27, 2007.

Take notice that on February 20, 2007, Nevada Power Company filed a compliance filing consisting of an amended interconnection agreement with Mirant Las Vegas, LLC, the Mirant Las Vegas, LLC Final Interconnection Audit, and a Mirant settlement calculation, pursuant to Paragraphs (B) and (C) of the Commission's January 19, 2007 Order.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 13, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3963 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RR07–9–000]

North American Electric Reliability Corporation; Notice of Filing

February 27, 2007.

Take notice that on February 23, 2007, The North American Electric Reliability Corporation (NERC) submitted its request for approval of violation risk factors for requirements in 89 of NERC's proposed Version 0 Reliability Standards, which were Submitted to the Commission April 2, 2006, pursuant to Section 215(d)(1) of the Federal Power Act and 18 CFR 39.5.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 29, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3962 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–305–000]

North Baja Pipeline, LLC; Notice of Proposed Change in FERC Gas Tariff

February 28, 2007.

Take notice that on February 23, 2007, North Baja Pipeline, LLC (NBP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, First Revised Sheet No. 163, to become effective March 26, 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. E7–3979 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–308–000]

North Baja Pipeline, LLC; Notice of Proposed Change in FERC Gas Tariff

February 28, 2007.

Take notice that on February 23, 2007, North Baja Pipeline, LLC (NBP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Fourth Revised Sheet No. 130 and Fourth Revised Sheet No. 134, to become effective March 26, 2007.

NBP states that these sheets are being submitted to modify the rate of interest NBP pays on cash security deposits.

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. E7–3982 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–311–000]

Northern Border Pipeline Company; Notice Of Tariff Filing

March 1, 2007.

Take notice that on February 27, 2007, Northern Border Pipeline Company (Northern Border) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets attached to the filing, to become effective April 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 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. E7–3999 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–309–000]

Northern Natural Gas Company; Notice of Limited Waiver of Tariff Provisions

February 28, 2007.

Take notice that on February 26, 2007, Northern Natural Gas Company (Northern) tendered for filing a petition for a limited waiver of Northern's FERC Gas Tariff I order to allow Northern to resolve a prior-period imbalance with OXY USA Inc. (OXY) without tiering the Monthly Index Price (MIP) applicable to OXY's imbalance as required by the tiering provisions of Section 32 of the General Terms and Conditions of Northern's tariff.

Northern states that it is requesting the limited waiver because OXY's imbalance was incurred as a result of measurement equipment freeze-offs that were beyond the customer's control.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time March 7, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3975 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–306–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 28, 2007.

Take notice that on February 22, 2007, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Thirtieth Revised Sheet No. 14, to be effective April 1, 2007.

Northwest states that a copy of this filing has been served upon Northwest's customers and interested state regulatory commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible 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. E7–3980 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–81–000]

Petal Gas Storage, L.L.C.; Notice of Application

March 1, 2007.

Take notice that on February 5, 2007, as supplemented on February 27, 2007, Petal Gas Storage, L.L.C (Petal), 1100 Louisiana Street, Houston, Texas, 77002, filed with the Federal Energy Regulatory Commission an abbreviated application pursuant to section 7(c) of the Natural Gas Act (NGA), as amended, and part 157 of the Commission's regulations for authorization to construct and operate a new compressor station and related facilities referred to as the Petal No. 3 Compressor Station Project. Petal's proposal would involve the construction and operation of: (1) A new 15,000 hp compressor station; (2) approximately 1,605 feet of 20-inch diameter storage field pipeline, and (3) other auxiliary, facilities including a control system, scrubbers, utility coolers, and gas conditioning system, all to be located at the existing Petal storage operations in Forrest County, Mississippi and as more fully set forth in the application which is on file with the Commission and open to public

inspection. The filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding the application should be directed to Richard Porter, Petal Gas Storage, L.L.C, 1100 Louisiana Street, Houston, Texas, 77002, (telephone) (713) 381–2526, (fax) (713) 803–2534, *rporter@eprod.com.*

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Comment Date: 5 p.m. Eastern Time on March 21, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–4000 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL05–25–002; EL05–26–002; EL05–27–002]

Southern Company Services, Inc; Notice of Filing

February 27, 2007.

Take notice that on February 20, 2007, Southern Company Service filed amended interconnection agreements under the Southern Operating Companies' Open Access Transmission Tariff, FERC Electric Tariff, Fourth Revised Volume No. 5, designated as service agreement numbers 172, 310, and 837, pursuant to the Commission's Order issued January 19, 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, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 13, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3965 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–89–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Application

March 1, 2007.

Take notice that on February 23, 2007, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 Highway 56, Owensboro, Kentucky 42301, filed in Docket No. CP07–49–000, an application pursuant to section 7 of the Natural Gas Act (NGA) for authorization to: (1) Expand the existing certificated boundary and buffer zone; (2) to redefine the cap rock of the gas storage formation; (3) install a gas compressor unit; and (4) revise the maximum certificated wellhead shut-in pressure and restate the maximum certificated capacity at Southern Star's existing North Welda Storage Field located in Anderson County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

This filing may be also viewed on the web at *http://www.ferc.gov* using the

''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 57.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any questions regarding this application may be directed to Any questions concerning this Application may be directed to David N. Roberts, Manager, Regulatory Affairs, 4700 Highway 56, Owensboro, Kentucky 42301 and at (270) 852–4654.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Comment Date: March 22, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3992 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07–37–000]

Californians for Renewable Energy, Inc. (CARE), Complainant, v. California Public Utilities Commission, Southern California Edison, and Long Beach Generation, LLC Respondents; Notice of Complaint

February 28, 2007.

Take notice that on February 22, 2007, Californians for Renewable Energy, Inc. (CARE) tendered for filing pursuant to section 206 of the Federal Power Act a complaint against the California Public Utilities Commission (CPUC) for its action on January 25, 2007 authorizing Southern California Edison Company to enter into a 10-year power purchase agreement with Long Beach Generation, LLC, in alleged violation of the ''filed rate doctrine''. CARE requests the contract be subject to the Commission's review under the December 19, 2006 opinions by the U.S. Court of Appeals for the Ninth Circuit, *PUD* v. *FERC* and *PUC* v. *FERC*.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 26, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3983 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07–38–000]

Maine Public Utilities Commission, Complainant, v. ISO New England, Inc, Respondent; Notice of Complaint

February 28, 2007.

Take notice that on February 26, 2007, the Maine Public Utilities Commission tendered for filing a complaint asking the Commission for an order finding that Schedule 2 of the ISO New England, Inc., (ISO-NE), Open Access Transmission Tariff (OATT), is unjust and unreasonable; and directing ISO-NE to modify Schedule 2 of its OATT as described in the instant Complaint.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 19, 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3976 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

February 28, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97–4084–010.

Applicants: Denver City Energy Associates, L.P.

Description: Denver City Energy Associates LP submits its updated triennial market power analysis.

Filed Date: 02/23/2007.

Accession Number: 20070226–0227.

Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER01–205–018; ER98–2640–016; ER98–4590–014; ER99–1610–022.

Applicants: Xcel Energy Services Inc.; Northern States Power Company and Northern States Power Company; Public Service Company of Colorado; Public Service Company.

Description: Xcel Energy Services Inc (XES), on behalf of itself and the Xcel Energy Operating Companies submits a report summarizing its payments of the refunds required by FERC's 11/9/06 Order.

Filed Date: 02/22/2007.

Accession Number: 20070226–0187.

Comment Date: 5 p.m. Eastern Time on Thursday, March 15, 2007.

Docket Numbers: ER03–1340–003.

Applicants: Chanarambie Power Partners LLC.

Description: Chanarambie Power Partners, LLC submits a triennial updated market power analysis in support of its continued eligibility to sell electric capacity and energy at market based rates.

Filed Date: 02/22/2007.

Accession Number: 20070226–0038.

Comment Date: 5 p.m. Eastern Time on Thursday, March 15, 2007.

Docket Numbers: ER04–157–017.

Applicants: Northeast Utilities Service Company.

Description: Northeast Utilities Service Company on behalf of Connecticut Light and Power Company, *et al.* submits Third Revised Sheet 103 et al. to a comprehensive, long term transmission service agreement between the NU Companies and the Connecticut Municipal Electric Energy Coop.

Filed Date: 02/21/2007.

Accession Number: 20070227–0089.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 14, 2007.

Docket Numbers: ER06–707–002.

Applicants: Entergy Services, Inc.

Description: Entergy Services, Inc, on behalf of Entergy Arkansas, Inc submits its report of refunds to Arkansas Electric Cooperative Corp pursuant to FERC's letter order of 2/8/07.

Filed Date: 02/23/2007.

Accession Number: 20070227–0091.

Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER06–723–004.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp submits its revised Interim Reliability Requirements Program for Commission approval.

Filed Date: 02/21/2007.

Accession Number: 20070223–0012.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 14, 2007.

Docket Numbers: ER07–87–001.

Applicants: ISO New England, Inc; New England Participating Transmission Owners.

Description: ISO New England, Inc *et al.* submit proposed amendments to supplement the previously proposed amendments pursuant to Order 2006–B Supplemental Compliance Filing.

Filed Date: 02/23/2007.

Accession Number: 20070227–0088.

Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–266–001; ER06–1485–003.

Applicants: Xcel Energy Services Inc.

Description: Southwestern Public Service Co submits a revised version of Schedule 4A—Reserve Sharing Energy Charges, to Xcel Energy Operating Companies Open Access Transmission Tariff, FERC Electric Tariff, First Revised Volume 1.

Filed Date: 02/23/2007.

Accession Number: 20070226–0037.

Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–341–001.

Applicants: PacifiCorp.

Description: PacifiCorp submits a corrected Letter Order with designation 614 and a refund report.

Filed Date: 02/23/2007.

Accession Number: 20070226–0225.

Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–367–001.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits its Substitute Sheets 2 *et al.* to its FERC Electric Tariff, First Revised Volume 5.

Filed Date: 02/23/2007.

Accession Number: 20070226–0039.

Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–434–001.

Applicants: Pennsylvania Electric Company; Metropolitan Edison Company; Pennsylvania Electric Company; Jersey Central Power & Light Company.

Description: Pennsylvania Power Company *et al.* submit a correction to its 1/11/07 filed amended market-based rate tariffs which made an incomplete factual statement which does not change the conclusion reached in the legal analysis submitted.

Filed Date: 02/23/2007.

Accession Number: 20070226–0226.

Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–563–000.

Applicants: Wisconsin Public Service Corporation.

Description: Wisconsin Public Service Corp submits the 2006 Annual Formula Rate Update for post-employee benefits.

Filed Date: 02/21/2007.

Accession Number: 20070223–0013.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 14, 2007.

Docket Numbers: ER07–565–000.
Applicants: FirstLight Hydro Generating Company.
Description: FirstLight Hydro Generating Company informs FERC, that as a result of a name change, it has succeeded to the market-based Rate tariff.
Filed Date: 02/23/2007.
Accession Number: 20070226–0224.
Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–566–000.
Applicants: FirstLight Power Resources Management, LLC.
Description: FirstLight Power Resources Management LLC informs FERC that as a result of a name change, it has succeeded to the market-based rate tariff of NE Energy Management LLC.
Filed Date: 02/23/2007.
Accession Number: 20070226–0223.
Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–567–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc submits Notice of Cancellation of an Electric Power Supply Agreement with the City of Clay Center, Kansas, designated as Rate Schedule FERC 241.
Filed Date: 02/26/2007.
Accession Number: 20070227–0090.
Comment Date: 5 p.m. Eastern Time on Monday, March 19, 2007.

Docket Numbers: ER07–568–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company (PG&E) submits unexecuted agreements between PG&E and the City and County of San Francisco, Service Agreement for Wholesale Distribution Service.
Filed Date: 02/23/2007.
Accession Number: 20070227–0136.
Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–569–000.
Applicants: California Independent System Operator Corporation
Description: California Independent System Operator Corporation submits an amendment to the ISO's tariff.
Filed Date: 02/23/2007.
Accession Number: 20070227–0087.
Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Docket Numbers: ER07–570–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits proposed revisions to its Market Administration and Control Area Services Tariff and its Open Access Transmission Tariff.
Filed Date: 02/23/2007.
Accession Number: 20070227–0042.
Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES07–22–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submit an application under Section 204 of the Federal Power Act for Authorizing the issuance of securities.
Filed Date: 02/21/2007.
Accession Number: 20070223–0164.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 14, 2007.

Docket Numbers: ES07–23–000.
Applicants: Northern Maine Independent System Administrator.
Description: Northern Maine Independent System Administrator, Inc. submits its application under Section 204 of the Federal Power Act for Authorizing the issuance of securities.
Filed Date: 02/21/2007.
Accession Number: 20070223–0165.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 14, 2007.

Docket Numbers: ES07–24–000.
Applicants: Trans-Allegheny Interstate Line Company.
Description: Trans-Allegheny Interstate Line Company's application requesting authorization to enter into a loan, credit or financing agreement to burrow up to $550 Million to enter into interstate rate hedges and to issue up to $550 million of common stock.
Filed Date: 02/22/2007.
Accession Number: 20070226–0040.
Comment Date: 5 p.m. Eastern Time on Thursday, March 15, 2007.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC07–11–000.
Applicants: Generadora Montecristo S.A.; Enel Guatemala S.A.
Description: Generadora Montecristo, et al. submit a Self-Certification of Foreign Utility Company Status.
Filed Date: 02/23/2007.
Accession Number: 20070223–5083.
Comment Date: 5 p.m. Eastern Time on Friday, March 16, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.
[FR Doc. E7–3973 Filed 3–6–07; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

March 1, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–40–000.
Applicants: T. Rowe Price Group, Inc. *et al.*
Description: T. Rowe Price Group, Inc., amends and restates the first condition and limitation listed on page

3 of their 12/20/06 application for blanket authorizations to acquire and dispose of securities under Section 203 of the FPA.

Filed Date: 02/26/2007.

Accession Number: 20070228–0115.

Comment Date: 5 p.m. Eastern Time on Monday, March 12, 2007.

Docket Numbers: EC07–62–000.

Applicants: AEP Texas Central Company.

Description: American Electric Power Service Corp submits a request for disclaimer of jurisdiction or, in the alternative, application of approvals under section 203 of the FPA.

Filed Date: 02/15/2007.

Accession Number: 20070223–0174.

Comment Date: 5 p.m. Eastern Time on Thursday, March 8, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER07–551–000; ER07–551–001.

Applicants: Idaho Power Company.

Description: Idaho Power Co submits a Restated and Amended Transmission Facilities Agreement with PacifiCorp and submits a correction on 2/22/07.

Filed Date: 02/16/2007; 02/22/2007.

Accession Number: 20070221–0040; 20070223–0306.

Comment Date: 5 p.m. Eastern Time on Friday, March 15, 2007.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG07–39–000.

Applicants: Bullard Energy Center, LLC.

Description: Bullard Energy Center, LLC submits an EWG Self-Certification.

Filed Date: 02/27/2007.

Accession Number: 20070227–5037.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 20, 2007.

Docket Numbers: EG07–40–000.

Applicants: Panoche Energy Center, LLC.

Description: Panoche Energy Center, LLC submits an EWG Self-Certification.

Filed Date: 02/27/2007.

Accession Number: 20070227–5038.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 20, 2007.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC07–10–000.

Applicants: Airtricity Holdings Ltd.

Description: Airtricity Holdings Ltd submits a notice of Self-Certification of Foreign Utility Company Status.

Filed Date: 02/27/2007.

Accession Number: 20070227–5024.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 20, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3988 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC Project No. 2426–197]

California Department of Water Resources and the City of Los Angeles; Notice of Availability of Draft Environmental Assessment

March 1, 2007.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations, 18 CFR Part 380, the Office of Energy Projects staff (staff) reviewed the application for amendment of project license for the California Aqueduct Project, located on Piru Creek in California and prepared a draft environmental assessment (draft EA) for the project. In this draft EA, staff analyzes the potential environmental effects of the proposed minimum flow modification and concludes that amending the license as proposed with staff-additional measures would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the draft EA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number P–2426 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.

Any comments should be filed by April 30, 2007, and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1–A, Washington, DC 20426. Please refer to ''California Aqueduct Project No. 2426–197,'' on all comments. Comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link. The Commission strongly encourages electronic filings. You may 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 further information, please contact Rebecca Martin by telephone at

(202) 502–6012 or by e-mail at *Rebecca.Martin@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3997 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2778–035]

Idaho Power Company; Notice of Availability of Draft Environmental Assessment

February 27, 2007.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR Part 380 [FERC Order No. 486, 52 F.R. 47897]), the Office of Energy Projects staff (staff) reviewed the application for amendment of license for the Shoshone Falls Project, located on the Snake River, Jerome and Twin Falls Counties, Idaho, and prepared a draft environmental assessment (DEA) for the project. Within the project boundary, 1.97 acres of lands are owned by the U.S. Bureau of Land Management. In this DEA, staff analyzes the potential environmental effects of the proposed amendment of license and concludes that the proposal would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the DEA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at *http://www.ferc.gov* using the e-Library link. Enter the docket number (P–2778) in the docket number field to access the document. For assistance, call (202) 502–8222 or (202) 502–8659 (for TTY).

Any comments should be filed by March 30, 2007, and should be addressed to Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please reference Shoshone Falls Project No. 2778–035, on all comments. For further information on this notice, please contact Robert Fletcher at (202) 502–8901, or at *robert.fletcher@ferc.gov*.

Comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the e-Filing link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3967 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: P–2232–522]

Duke Energy LLC.; Notice of Intent To Prepare an Environmental Impact Statement and Notice of Scoping Meetings and Soliciting Scoping Comments

February 28, 2007.

Take notice that the following hydroelectric application was filed with Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* P–2232–522.

c. *Dates filed:* August 29, 2006.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* Catawba-Wateree Hydroelectric Project.

f. *Locations:* The Catawba-Wateree Project is located on the Catawba River in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, and Mecklenburg counties, North Carolina, and on the Catawba and Wateree Rivers in the counties of Chester, Fairfield, Kershaw, Lancaster, and York, South Carolina. There are no federal lands affected by these projects.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Jeffrey G. Lineberger, Catawba-Wateree Hydro Relicensing Manager; and E. Mark Oakley, Catawba-Wateree Relicensing Project Manager, Duke Energy, Mail Code EC12Y, P.O. Box 1006, Charlotte, NC 28201–1006.

i. *FERC Contacts:* Sean Murphy at (202) 502–6145 or *sean.murphy@ferc.gov*.

j. *Deadline for filing scoping comments:* April 30, 2007.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure 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.

Scoping comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov) under the ''e-Filing'' link.*

k. This application is not ready for environmental analysis at this time.

l. The existing Catawba-Wateree Project consists of eleven developments:

(1) The Bridgewater development consists of the following existing facilities: (1) The Catawba dam consisting of: (a) A 1,650-foot-long, 125-foot-high earth embankment; (b) a 305-foot-long, 120-foot-high concrete gravity ogee spillway; and (c) a 850-foot-long, 125-foot-high earth embankment; (2) the Paddy Creek dam consisting of: a 1,610-foot-long, 165-foot-high earth embankment; (3) the Linville dam consisting of: a 1,325-foot-long, 160-foot-high earth embankment; (4) a 430-foot-long uncontrolled low overflow weir spillway situated between Paddy Creek Dam and Linville Dam; (5) a 6,754 acre reservoir formed by Catawba, Paddy Creek, and Linville with a normal water surface elevation of 1,200 feet above msl; (6) a 900-foot-long concrete-lined intake tunnel; (7) a powerhouse containing two vertical Francis-type turbines directly connected to two generators, each rated at 10,000 kW, for a total installed capacity of 20.0 MW; and (8) other appurtenances.

(2) The Rhodhiss development consists of the following existing facilities: (1) The Rhodhiss dam consisting of: (a) A 119.58-foot-long concrete gravity bulkhead; (b) a 800-foot-long, 72-foot-high concrete gravity ogee spillway; (c) a 122.08-foot-long concrete gravity bulkhead with an additional 8-foot-high floodwall; and (d) a 283.92-foot-long rolled fill earth embankment; (2) a 2,724 acre reservoir with a normal water surface elevation of 995.1 feet above msl; (4) a powerhouse integral to the dam, situated between the bulkhead on the left bank and the ogee spillway section, containing three vertical Francis-type turbines directly connected to three generators, two rated at 12,350 kW, one rated at 8,500 kW for a total installed capacity of 28.4 MW; and (5) other appurtenances.

(3) The Oxford development consists of the following existing facilities: (1) The Oxford dam consisting of: (a) A 74.75-foot-long soil nail wall; (b) a 193-

foot-long emergency spillway; (c) a 550-foot-long gated concrete gravity spillway; (d) a 112-foot-long embankment wall situated above the powerhouse; and (e) a 429.25-foot-long earth embankment; (2) a 4,072 acre reservoir with a normal water surface elevation of 935 feet above msl; (4) a powerhouse integral to the dam, situated between the gated spillway and the earth embankment, containing two vertical Francis-type turbines directly connected to two generators, each rated at 18,000 kW for a total installed capacity of 35.7 MW; and (5) other appurtenances.

(4) The Lookout Shoals development consists of the following existing facilities: (1) The Lookout Shoals dam consisting of: (a) A 282.08-foot-long concrete gravity bulkhead section; (b) a 933-foot-long uncontrolled concrete gravity ogee spillway; (c) a 65-foot-long gravity bulkhead section; and (d) a 1,287-foot-long, 88-foot-high earth embankment; (2) a 1,155 acre reservoir with a normal water surface elevation of 838.1 feet above msl; (3) a powerhouse integral to the dam, situated between the bulkhead on the left bank and the ogee spillway, containing three main vertical Francis-type turbines and two smaller vertical Francis-type turbines directly connected to five generators, the three main generators rated at 8,970 kW, and the two smaller rated at 450 kW for a total installed capacity of 25.7 MW; and (4) other appurtenances.

(5) The Cowans Ford development consists of the following existing facilities: (1) The Cowans Ford dam consisting of: (a) A 3,535-foot-long embankment; (b) a 209.5-foot-long gravity bulkhead; (c) a 465-foot-long concrete ogee spillway with eleven Taintor gates, each 35-feet-wide by 25-feet-high; (d) a 276-foot-long bulkhead; and (e) a 3,924-foot-long earth embankment; (2) a 3,134-foot-long saddle dam (Hicks Crossroads); (3) a 32,339 acre reservoir with a normal water surface elevation of 760 feet above msl; (4) a powerhouse integral to the dam, situated between the spillway and the bulkhead near the right embankment, containing four vertical Kaplan-type turbines directly connected to four generators rated at 83,125 kW for a total installed capacity of 332.5 MW; and (5) other appurtenances.

(6) The Mountain Island development consists of the following existing facilities: (1) The Mountain Island dam consisting of: (a) A 997-foot-long, 97-foot-high uncontrolled concrete gravity ogee spillway; (b) a 259-foot-long bulkhead on the left side of the powerhouse; (c) a 200-foot-long bulkhead on the right side of the powerhouse; (d) a 75-foot-long concrete core wall; and (e) a 670-foot-long, 140-foot-high earth embankment; (2) a 3,117 acre reservoir with a normal water surface elevation of 647.5 feet above msl; (3) a powerhouse integral to the dam, situated between the two bulkheads, containing four vertical Francis-type turbines directly connected to four generators rated at 15,000 kW for a total installed capacity of 55.1 MW; and (4) other appurtenances.

(7) The Wylie development consists of the following existing facilities: (1) The Wylie dam consisting of: (a) A 234-foot-long bulkhead; (b) a 790.92-foot-long ogee spillway section that contains 2 controlled sections with a total of eleven Stoney gates, each 45-feet-wide by 30-feet-high, separated by an uncontrolled section with no gates; (c) a 400.92-foot-long bulkhead; and (d) a 1,595-foot-long earth embankment; (2) a 12,177 acre reservoir with a normal water surface elevation of 569.4 feet above msl; (3) a powerhouse integral to the dam, situated between the bulkhead and the spillway near the left bank, containing four vertical Francis-type turbines directly connected to four generators rated at 18,000 kW for a total installed capacity of 69 MW; and (4) other appurtenances.

(8) The Fishing Creek development consists of the following existing facilities: (1) The Fishing Creek dam consisting of: (a) A 114-foot-long, 97-foot-high uncontrolled concrete ogee spillway; (b) a 1,210-foot-long concrete gravity, ogee spillway with twenty-two Stoney gates, each 45-feet-wide by 25-feet-high; and (c) a 214-foot-long concrete gravity bulkhead structure; (2) a 3,431 acre reservoir with a normal water surface elevation of 417.2 feet above msl; (3) a powerhouse integral to the dam, situated between the gated spillway and the bulkhead structure near the right bank, containing five vertical Francis-type turbines directly connected to five generators two rated at 10,530 kW and three rated at 9,450 kW for a total installed capacity of 48.1 MW; and (4) other appurtenances.

(9) The Great Falls-Dearborn development consists of the following existing facilities: (1) The Great Falls diversion dam consisting of a 1,559-foot-long concrete section; (2) the Dearborn dam consisting of: (a) A 160-foot-long, 103-foot-high, concrete embankment; (b) a 150-foot-long, 103-foot-high intake and bulkhead section; and (c) a 75-foot-long, 103-foot-high bulkhead section; (3) the Great Falls dam consisting of: (a) a 675-foot-long, 103-foot-high concrete embankment situated in front of the Great Falls Powerhouse (and joined to the Dearborn dam embankment); and (b) a 250-foot-long intake section (within the embankment); (4) the Great Falls bypassed spillway and headworks section consisting of: (a) a 446.7-foot-long short concrete bypassed reach uncontrolled spillway with a gated trashway (main spillway); (b) a 583.5-foot-long concrete headworks uncontrolled spillway with 4-foot-high flashboards (canal spillway); and (c) a 262-foot-long concrete headworks section situated perpendicular to the main spillway and the canal spillway, containing ten openings, each 16-feet-wide; (5) a 353 acre reservoir with a normal water surface elevation of 355.8 feet above msl; (6) two powerhouses separated by a retaining wall, consisting of: (a) Great Falls powerhouse: Containing eight horizontal Francis-type turbines directly connected to eight generators rated at 3,000 kW for an installed capacity of 24.0 MW, and (b) Dearborn powerhouse: containing three vertical Francis-type turbines directly connected to three generators rated at 15,000 kW for an installed capacity of 42.0 MW, for a total installed capacity of 66.0 MW; and (7) other appurtenances.

(10) The Rocky Creek-Cedar Creek development consists of the following existing facilities: (1) A U-shaped concrete gravity overflow spillway with (a) a 130-foot-long section (on the east side) that forms a forebay canal to the Cedar Creek powerhouse and contains two Stoney gate, each 45-feet-wide by 25-feet-high; (b) a 1,025-foot-long, 69-foot-high concrete gravity overflow spillway; and (c) a 213-foot-long section (on the west side) that forms the upper end of the forebay canal for the Rocky Creek powerhouse; (2) a 450-foot-long concrete gravity bulkhead section that completes the lower end of the Rocky Creek forebay canal; (3) a 748 acre reservoir with a normal water surface elevation of 284.4 feet above msl; (4) two powerhouses consisting of: (a) Cedar Creek powerhouse (on the east): containing three vertical Francis-type turbines directly connected to three generators, one rated at 15,000 kW, and two rated at 18,000 kW for an installed capacity of 43.0 MW; and (b) Rocky Creek powerhouse (on the west): containing eight horizontal twin-runner Francis-type turbines directly connected to eight generators, six rated at 3,000 kW and two rated at 4,500 kW for an installed capacity of 25.8 MW, for a total installed capacity of 68.8 MW; and (5) other appurtenances.

(11) The Wateree development consists of the following existing facilities: (1) The Wateree dam consisting of: (a) A 1,450 foot-long

uncontrolled concrete gravity ogee spillway; and (b) a 1,370-foot-long earth embankment; (2) a 13,025 acre reservoir with a normal water surface elevation of 225.5 feet above msl; (3) a powerhouse integral to the dam, situated between the spillway and the earth embankment, containing five vertical Francis-type turbines directly connected to five generators, two rated at 17,100 kW and three rated at 18,050 kW for a total installed capacity of 82.0 MW; and (4) other appurtenances.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Scoping Process:* The Commission intends to prepare an Environmental Impact Statement (EIS) on the project in accordance with the National Environmental Policy Act. The EIS will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one agency scoping meeting and three public meetings. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meetings are primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or more of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EIS. The times and locations of these meetings are as follows:

Evening Scoping Meeting #1

Date: Monday, March 26, 2007.
Time: 7 p.m.–9 p.m. (EST).
Place: Moore Hall Auditorium, Western Piedmont Community College.
Address: 1001 Burkemont Ave, Morganton, NC, 828–433–4067.

Evening Scoping Meeting #2

Date: Tuesday, March 27, 2007.
Time: 7 p.m.–9 p.m. (EST),
Place: Charles Mack Citizens Center, (Town of Mooresville Citizen Center),
Address: 215 North Main St., Mooresville, NC, 704–662–3334.

Daytime (Agency) Scoping Meeting

Date: Wednesday, March 28, 2007.
Time: 9 p.m.–4 p.m. (EST).
Place: Baxter Hood Center (York Technical College.)
Address: 452 S. Anderson Rd., Rock Hill, SC, 803–981–7100.

Evening Scoping Meeting #3

Date: Wednesday, March 28, 2007.
Time: 7 p.m.–9 p.m. (EST).
Place: Baxter Hood Center (York Technical College).
Address: 452 S. Anderson Rd., Rock Hill, SC, 803–981–7100.

Evening Scoping Meeting #4

Date: Thursday, March 29, 2007.
Time: 7 p.m.–9 p.m. (EST).
Place: Shrine Club.
Address: 1381 Kershaw Hwy., Camden, SC, 803–432–7335.

Copies of the SD1 outlining the subject areas to be addressed in the EIS were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link (see item m above).

Site Visit

Due to the size and distance between locations, site visits are not yet scheduled for this project.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EIS; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EIS, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EIS; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the EIS.

Magalie R. Salas,
Secretary.

[FR Doc. E7–3978 Filed 3–6–07; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12611–000]

Verdant Power, Inc.; Notice of Scoping Meetings and Site Visit and Soliciting Scoping Comments

March 1, 2007.

a. *Type of Application to be Filed:* Original Major License.

b. *Project No.:* 12611–000.

c. *Anticipated Filing Date:* September 30, 2007.

d. *Submitted By:* Verdant Power, Inc.

e. *Name of Project:* Roosevelt Island Tidal Energy Project.

f. *Location:* In the East River, in New York, New York. The project would not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ron F. Smith, Verdant Power, Inc., 4640 13th Street, North Arlington, VA 22207, (703) 204–3436, *rsmith@verdantpower.com*.

i. *FERC Contact:* Tom Dean, (202) 502–6041, or at *thomas.dean@ferc.gov*.

j. We are asking federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Currently, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency have requested cooperating agency status. Other agencies who would like to request cooperating status should follow the instructions for filing comments described in paragraph k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See*, 94 FERC ¶ 61,076 (2001).

k. *Deadline for requesting cooperating agency status or filing scoping comments:* April 30, 2007.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Scoping comments 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 (*http://www.ferc.gov*) under the ''efiling'' link.

l. *The proposed project would consist of:* (1) Up to 300 5-meter-diameter kinetic hydropower axial flow turbine generator units (about 33 kW each) with a total installed capacity of 10 MW mounted on monopiles; (2) underwater power cables from each unit to a central control room; and (3) appurtenant facilities.

m. A copy of the Scoping Document 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 h.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the times and places noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend these meetings, to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document.

Many environmental issues have already been identified (i.e. potential effects on fish population and movement, diving birds, recreational opportunities), studies to assess those issues have already been developed and some are ongoing. Commission staff are particularly interested in identifying any new issues (those not identified in the Scoping Document), or previously identified issues that are not being addressed. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date and Time: Wednesday, March 28, 2007, 7 p.m. (EST)

Location: Community Center Building, 8 River Road, Roosevelt Island, NY 10044.

Daytime Scoping Meeting

Date and Time: Thursday, March 29, 2007, 10 a.m. (EST)

Location: Community Center Building, 8 River Road, Roosevelt Island, NY 10044.

The Community Center Building is a low rise separate building located west (towards Manhattan) of Gristedes supermarket set back behind the brick highrise buildings near the west channel.

The Scoping Document, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of the Scoping Document will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov*, using the ''eLibrary'' link. In the event substantive comments are received and revisions are necessary, the Commission will prepare a revised Scoping Document for distribution.

Site Visit

Verdant will conduct a site visit at the project site on Wednesday, March 28, 2007, starting at 2 p.m. All participants should meet at Verdant's control room located in a large beige metal cargo container box along side of the east channel of the East River of the 600 block of Main Street on Roosevelt Island. All participants are responsible for their own transportation.

Scoping Meeting Objectives

At the scoping meetings, staff will: (1) Present a proposed list of issues to be addressed in the EA; (2) identify the proposed studies; (3) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (4) encourage statements from experts and the public on issues that should be analyzed in the EA; (5) determine the resource issues to be addressed in the EA; and (6) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the Scoping Document in preparation for the scoping meetings.

Scoping Meeting Procedures

The meetings will be recorded by a stenographer and will become part of the formal Commission record on the project.

Magalie R. Salas,

Secretary.

[FR Doc. E7–3996 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD07–7–000]

Conference on Competition in Wholesale Power Markets; Second Supplemental Notice of Conference

February 26, 2007.

As announced in the Notice of Conference issued on January 8, 2007 and the Supplemental Notice of Conference on February 9, 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 final 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. 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 *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. E7–3961 Filed 3–6–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2005–0029; FRL–8118–9]

Sound Management of Chemicals Working Group (Canada, Mexico and U.S.); Public Meeting Including Regional Implementation of the Strategic Approach to International Chemicals Management (SAICM)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice is to announce that EPA will be hosting a stakeholder meeting to solicit comments in preparation for the meeting of the Sound Management of Chemicals (SMOC) Working Group. The SMOC Working Group seeks to implement the SAICM in North America, facilitating the movement of chemicals and their products across borders without compromising human health or the environment. At the April SMOC Working Group meeting, the Working Group will be discussing the implementation of its Strategy to 2020 with the North American stakeholders. This public meeting will serve as an opportunity for U.S. stakeholders to share their interest in participating in the strategy drafted by the SMOC WG. EPA will be seeking comments on the areas of work proposed by the SMOC Working Group and will be inviting stakeholders to develop project proposals.

DATES: The meeting will be held on March 14, 2007 from 11 a.m. to 12:30 p.m.

Requests to participate in the meeting must be received on or before March 14, 2007.

To request accommodation of a disability, please contact the technical person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at 1201 Constitution Ave., NW., Room 4225, EPA East (4th Floor), Washington, DC 20460.

Requests to participate in the meeting, identified by docket identification (ID) number EPA–HQ–OPPT–2005–0029, may be submitted to the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

For technical information contact: Ana Corado, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–0140; e-mail address: *corado.ana@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to industry, trade associations, and non-governmental organizations that deal with and are interested in chemicals management in North America.

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under docket ID number EPA–HQ–OPPT–2005–0029. All documents in the docket are listed in the docket's index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC PublicReading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

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

II. Background

An agenda for this public meeting will be available 5 days prior to the meeting in the docket. In addition, the docket contains the advance notification for the April meeting of the Sound Management of Chemicals (SMOC) Working Group.

The Strategy to 2020 of the SMOC Working Group, as well as other relevant documents for the SMOC Working Group meeting will be posted by the Commission for Environmental Cooperation (CEC) Secretariat at their web site: *http://www.cec.org/programs_projects/pollutants_health/project/index.cfm?projectID=25&varlan=english*, as they become available.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting to the technical person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPPT–2005–0029, must be received on or before March 14, 2007.

List of Subjects

Environmental protection, chemical management, toxic chemicals, chemical health and safety.

Dated: February 27, 2007.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. E7–4032 Filed 3–7–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0161; FRL–8117–7]

Pesticide Products; Registration Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register pesticide products containing new active ingredients not included in any currently registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Comments must be received on or before May 7, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0161, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–0161. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., 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 Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8097; e-mail address: *bacchus.shanaz@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI

must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Application

EPA received the following application to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Bacillus firmus strain I-1582

File Symbol: *82608-R*. Applicant: AgroGreen, Biological Division, Minrav Infrastructures (1993) Ltd., 3 Habossem Str, P.O. Box 153, Ashdod 77101, Israel, submitted by RegWest Company, LLC, 30856 Rocky Road, Greeley, CO 80631-9375. Product name: Chancellor. Nematode suppressant and plant growth regulator. Active ingredient: *Bacillus firmus* strain I-1582 at 0.66%. Proposal classification/Use: Microbial pesticide/nematode suppressant and plant growth regulator. (S. Bacchus)

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 28, 2007.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. E7–4088 Filed 3–6–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0092; FRL–8116–7]

Experimental Use Permit; Receipt of Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application 4581–EUP–R from Cerexagri, Inc. requesting an experimental use permit (EUP) for the soil fumigant dimethyldisulfide (DMDS). The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments must be received on or before April 6, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0092 by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–0092. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 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.

FOR FURTHER INFORMATION CONTACT: John Bazuin, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number:

(703) 305–7381; e-mail address: *bazuin.john@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest 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 applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

Cerexagri, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406, has submitted an EUP application for 4581–EUP–R for the soil fumigant dimethyldisulfide (DMDS), a potential methyl bromide alternative, for non-food, outdoor use on 500 acres of eggplants, peppers, squash, strawberries, and tomatoes to control fungi, nematodes, and weeds. Proposed shipment/use dates are February 1, 2007 through December 31, 2007. Cerexagri will provide the protocol for all testing. States involved include: Florida, Georgia, and North Carolina.

III. What Action is the Agency Taking?

Following the review of the Cerexagri, Inc. application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 23, 2007.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E7–3669 Filed 3–6–07; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

February 28, 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 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 May 7, 2007. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all your Paperwork Reduction Act (PRA) comments by email or U.S. postal mail. To submit your comments by email send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 and Allison E. Zaleski, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503 or via Internet at *Allison_E._Zaleski@omb.eop.gov* or via fax at (202) 395–5167.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0182.

Title: Section 73.1620, Program Tests.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents: 1,770.

Estimated Time per Response: 1 hour–5 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement.

Total Annual Burden: 1,810 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature of Response: Required to obtain or retain benefits

Confidentiality: No need for confidentiality required.

Needs and Uses: 47 CFR 73.1620(a)(1) requires permittees of a nondirectional AM or FM station, or a nondirectional or directional TV station to notify the FCC upon beginning of program tests. An application for license must be filed within 10 days of this notification. 47 CFR 73.1620(a)(2) requires a permittee of an AM or FM station with a directional antenna to file a request for program test authority 10 days prior to date on which it desires to begin program tests. This is filed in conjunction with an application for license. 47 CFR 73.1620(a)(3) requires a licensee of an FM station replacing a directional antenna without changes to file a modification of the license application within 10 days after commencing operations with the replacement antenna. 47 CFR 73.1620(a)(4) requires a permittee of an AM station with a directional antenna to file a request for program test authority 10 days prior to the date on which it desires to begin program test. 47 CFR 73.1620(a)(5) requires that, except for permits subject to successive license terms, a permittee of an LPFM station may begin program tests upon notification to the FCC in Washington, DC provided that within 10 days thereafter an application for license is filed. Program tests may be conducted by a licensee subject to mandatory license terms only during the term specified on such license authorization. 47 CFR 73.1620(b) allows the FCC to right to revoke, suspend, or modify program tests by any station without right of hearing for failure to comply adequately with all terms of the construction permit or the provision of 47 CFR 73.1690(c) for a modification of license application, or in order to resolve instances of interference. The FCC may also require the filing of a construction permit application to bring the station into compliance with the Commission's rules and policies. 47 CFR 73.1620(f) requires licensees of UHF TV stations, assigned to the same allocated channel which a 1000 watt UHF translator station is authorized to use, to notify the licensee of the translator station at least 10 days prior to commencing or resuming operation and certify to the FCC that such advance notice has been given. 47 CFR 73.1620(g) requires permittees to report any deviations from their promises, if any, in their application for license to cover their construction permit (FCC Form 302) and on the first anniversary of their commencement of program tests.

Section 73.1620(a) requires licensees to notify the Commission that construction of a station has been completed and that the station is broadcasting program material. The notification in Section 73.1620(f) alerts the UHF translator station that the potential of interference exists. The report in Section 73.1620(g) stating deviations are necessary to eliminate possible abuses of the FCC's processes and to ensure that comparative promises relating to service to the public are not inflated.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–4033 Filed 3–6–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 27, 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 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 May 7, 2007. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit your all Paperwork Reduction Act (PRA) comments by email or U.S. postal mail. To submit your comments by e-mail send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 and Allison E. Zaleski, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503 or via Internet at *Allison_E._Zaleski@omb.eop.gov* or via fax at (202) 395–5167.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0849.

Title: Commercial Availability of Navigation Devices.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 933.

Estimated Time per Response: 10 seconds–40 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Quarterly and semi-annual reporting requirements; Third party disclosure requirement.

Total Annual Burden: 101,161 hours.

Total Annual Cost: $1,771,844.

Nature of Response: Required to obtain or retain benefits.

Privacy Impact Assessment: No impact(s).

Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: With this revision, the Commission is consolidating information collection OMB Control Number 3060–1032 (Commercial Availability of Navigation Devices and Compatibility between Cable Systems and Consumer Electronic Equipment, CS Docket 97–80 and PP Docket No. 00–67) into OMB Control Number 3060–0849 (Commercial Availability of Navigation Devices).

On March 17, 2005 the FCC released a Second Report and Order, In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, CS Docket No. 97–80, FCC 05–76. In this Second Report and Order, the Commission extends by twelve months the existing 2006 deadline in Section 76.1204(a)(1) prohibiting the deployment of integrated navigation devices by multichannel video programming distributors in order to promote the retail sale of non-integrated navigation devices. This extension is intended to afford cable operators additional time to investigate and develop a downloadable security solution that will allow common reliance by cable operators and consumer electronics manufacturers on an identical security function without the additional costs of physical separation inherent in the point-of-deployment module, or CableCARD, solution.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–4034 Filed 3–6–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

February 28, 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 of 1995 (PRA), Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a current valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the 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 PRA comments should be submitted on or before May 7, 2007. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Les Smith, Federal Communications Commission, Room 1–C216, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Les Smith at (202) 418–0217 or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0655

Title: Requests for Waivers of Regulatory and Application Fees Predicated on Allegations of Financial Hardship.

Form Number: N/A

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; and individuals or household.

Number of Respondents: 80.

Estimated Time per Response: 1.0 hour.

Frequency of Response: Recordkeeping; on occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 80 hours.

Total Annual Cost: $0.00.

Nature and Extent of Confidentiality: Parties filing information may request that the information be withheld from disclosure. Requests for confidentiality are processed in accordance with FCC rules under 47 CFR 0.459. The FCC has a system of records notice, FCC/OMD–9, ''Commission Registration System (CORES)'' to cover the collection, use, storage, and destruction of personally identifiable information under the Privacy Act of 1974, as amended.

Privacy Act Impact Assessment: No.

Needs and Uses: Pursuant to 47 CFR part 159, the FCC is required to collect annual regulatory fees from its licensees and permittees. Licensees and permittees may request waivers of the annual regulatory and applications fees on grounds of financial hardship. The subject orders lists the types of documents or financial reports which are ordinarily maintained as business records or can be easily assembled, which may be submitted to support claims of financial hardship. The FCC use this information to determine if a party is entitled to the waiver.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–4036 Filed 3–6–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 03–123; DA 06–2578]

Notice of Certification of Hands on Video Relay Services, Inc. as a Provider of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS) Eligible for Compensation From the Telecommunications Relay Service (TRS) Fund

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission grants Hands On Video Relay Services, Inc. (Hands On's) application for certification as an IP Relay and VRS provider eligible for compensation from the Interstate TRS Fund. The Commission concludes that Hands On has adequately demonstrated that its provision of IP Relay and VRS will meet or exceed all operational, technical, and functional TRS standards set forth in the Commission's rules; that it makes available adequate procedures and remedies for ensuring compliance with applicable Commission rules; and that to the extent Hands On's service differs from the mandatory minimum standards, the service does not violate the rules.

DATES: Effective December 22, 2006.

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

FURTHER INFORMATION CONTACT: Gregory Hlibok, Consumer & Governmental Affairs Bureau, Disability Rights Office at (800) 311–4381 (Voice), (202) 418–0431 (TTY), or e-mail at *Gregory.Hlibok@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document DA 06–2578, released December 22, 2006, addressing an application for certification filed by Hands On Video Relay Services, Inc. on October 4, 2006. *See* Hands On Video Relay Services, Inc., *Application for Certification as an Eligible VRS and IP*

Relay Provider, CG Docket No. 03–123, (*Hands On Application*). The full text of document DA 06–2578 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Document DA 06–2578 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its web site *http://www.bcpiweb.com* or by calling 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Document DA 06–2578 can also be downloaded in Word or Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/dro.*

Synopsis

On October 4, 2006, Hands On filed an application for certification as an IP Relay and VRS provider eligible for compensation from the Interstate TRS Fund (Fund) pursuant to the IP Relay and VRS provider certification rules. *See Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities,* Report and Order and Order on Reconsideration, CG Docket No. 03–123, FCC 05–203 (December 12, 2005); published at 70 FR 76208, December 23, 2005 (*2005 VRS Certification Order*); 47 CFR 64.605(a)(2) of the Commission's rules. On November 21, 2006, Hands On submitted a supplement to its application for certification. Hands On, Inc., *Supplement to Application for Certification as a VRS and IP Relay Provider of Hands On Video Relay Services, Inc.,* CG Docket No. 03–123 (November 21, 2006) (*Hands On Supplement*). Hands On's application is granted, subject to the conditions noted below.

On December 12, 2005, the Commission released an order adopting new rules permitting carriers desiring to offer IP Relay and/or VRS and receive payment from the Fund to seek certification as a provider eligible for compensation from the Fund. *2005 VRS Certification Order.* The rules require entities seeking such certification to submit documentation to the Commission setting forth, in narrative form:

(i) A description of the forms of TRS to be provided (*i.e.*, VRS and/or IP Relay); (ii) a description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered; (iii) a description of the provider's procedures for ensuring compliance with all applicable TRS rules; (iv) a description of the provider's complaint procedures; (v) a narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards; (vi) a narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards; (vii) demonstration of status as a common carrier; and (viii) a statement that the provider will file annual compliance reports demonstrating continued compliance with these rules. 47 CFR 64.605(a)(2) of the Commission's rules.

The rules further provide that after review of the submitted documentation, the Commission shall certify that the provider of IP Relay and VRS is eligible for compensation from the Fund if the Commission determines that the certification documentation:

(i) Establishes that the provision of IP Relay and VRS * * * will meet or exceed all non-waived operational, technical, and functional minimum standards contained in § 64.604 of the Commission's rules; (ii) establishes that the IP Relay and VRS * * * provider makes available adequate procedures and remedies for ensuring compliance with the requirements of this section and the mandatory minimum standards contained in § 64.604 of the Commission's rules, including that it makes available for TRS users informational materials on complaint procedures sufficient for users to know the proper procedures for filing complaints; and

(iii) Where the TRS service differs from the mandatory minimum standards contained in § 64.604 of the Commission's rules, the IP Relay and VRS * * * provider establishes that its service does not violate applicable mandatory minimum standards. 47 CFR 64.605(b)(2) of the Commission's rules.

The Consumer and Governmental Affairs Bureau (Bureau) has reviewed the *Hands On Application and Hands On Supplement* pursuant to these rules. The Bureau concludes that Hands On has adequately demonstrated that its provision of IP Relay and VRS will meet or exceed all operational, technical, and functional TRS standards set forth in 47 CFR 64.604 of the Commission's rules; that it makes available adequate procedures and remedies for ensuring compliance with applicable Commission rules; and that to the extent Hands On's service differs from the mandatory minimum standards, the service does not violate the rules.

The Bureau notes that the Commission has adopted a declaratory ruling requiring the interoperability of VRS equipment and service. *See Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities,* CG Docket No. 03–123, Declaratory Ruling and Further Notice of Proposed Rulemaking, FCC 06–57 (May 9, 2006), published at 71 FR 30818, May 31, 2006 and 71 FR 30848, May 31, 2006. The Bureau conditions this grant of certification upon compliance with that order. *See also* 47 CFR 64.605(e)(2) of the Commission's rules (Commission may require certified providers to submit documentation demonstrating compliance with the mandatory minimum standards). Further, Hands On must file an annual report with the Commission evidencing that they are in compliance with § 64.604 of the Commission's rules. *See* 47 CFR 64.605(g) of the Commission's rules. The first such report shall be due one year after December 22, 2006, and subsequent reports shall be due each year thereafter.

This certification shall remain in effect for a period of five years from the release date of December 22, 2006. See 47 CFR 64.605(c)(2) of the Commission's rules. Within ninety days prior to the expiration of this certification, Hands On may apply for renewal of its IP Relay and VRS certification by filing documentation in accordance with the Commission's rules. *See* 47 CFR 64.605(c)(2) of the Commission's rules.

Federal Communications Commission.

Jay Keithley,

Deputy Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. E7–4045 Filed 3–6–07; 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 22, 2007.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. Mitchell J. Bennett, Falls of the Rough, Kentucky (individually), and the Bennett Family Control Group, to retain Farmers Bancshares, Inc., Hardinsburg, Kentucky, and thereby indirectly acquire The Farmers Bank, Hardinsburg, Kentucky, and Leitchfield Deposit Bank & Trust Company, Leitchfield, Kentucky. The Control Group consists of Mitchell J. Bennett, Mitchell Bennett, Pam Bennett, and Mason Bennett, all of the Falls of the Rough, Kentucky; Charles D. Bennett, Jeanette Bennett, and Annette Martin, all of Hardinsburg, Kentucky; David C. Bennett, Maria L. Bennett, Roark Wilson, Sienna Wilson, and the C & J Bennett Family Limited Partnership, all of Leitchfield, Kentucky; Matthew Burden, and Zander Burden, both of Atlanta, Georgia; Rebecca Bennett, Bowling Green, Kentucky, and Sarah Bennett, Gardner, Colorado.

B. Federal Reserve Bank of Atlanta (David Tatum, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

2. United Americas Bankshares, Inc., Atlanta, Georgia, (after–the–fact) change in control notice filed by Mr. Salvador Diaz-Verson, Sarasota, Florida, to retain shares of United Americas Bankshares, Inc., and indirectly acquire United Americas Bank, National Association, both of Atlanta, Georgia.

Board of Governors of the Federal Reserve System, March 2, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–4043 Filed 3–6–07; 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 April 2, 2007.

A. Federal Reserve Bank of Atlanta (David Tatum, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30303:

1. Greene County Bancshares, Inc., Greenville, Tennessee, to merge with Civitas BankGroup, Inc., Franklin, Tennessee, and thereby indirectly acquire Cumberland Bank, Franklin, Tennessee.

Board of Governors of the Federal Reserve System, March 2, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–4044 Filed 3–6–07; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–07–07AO]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Joan Karr, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluation of New Beginnings: A Discussion Guide for Living Well with Diabetes—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this study is to evaluate the utility and impact of New Beginnings: A Discussion Guide for Living Well with Diabetes, a tool developed by the National Diabetes Education Program (NDEP) to accompany an independently produced film entitled, The Debilitator. This important film highlights the myriad challenges African Americans encounter with diabetes self-management and presents strategies to help people with diabetes to gain control with help from their family and physicians. In addition to raising awareness and increasing knowledge, the discussion guide helps facilitate conversations that deepen viewers' understanding of key issues raised in the film and hopefully motivate participants to engage in desired behavior change such as improved diet, visiting a doctor or talking to family members or friends about the importance of diabetes self-management.

To evaluate the utility and impact of the discussion guide, data will be collected in several ways: (1) Thirty-six facilitators will use the New Beginnings discussion guide to lead two-hour

discussion groups of no more than ten individuals. Each facilitator will complete a brief facilitator information form designed to provide descriptive information about the group session. Each participant in the discussion groups will complete a pre and post program questionnaire. A total of 360 participants 18 years or older, African American who either have diabetes or friends and/or family members of someone with diabetes will participate in the discussion groups; (2) These 360 participants will also complete a one-month follow up survey to assess whether or not desired behavior change occurred. The survey will be administered via mail, telephone and web and will take approximately 20–30 minutes to complete; (3) A selected sample of participants with diabetes (n=18) will participate in 1-hour telephone interviews to discuss their experiences with the intervention, including any challenges they faced; (4) Twenty trained and lay facilitators will participate in 1-hour in-depth interviews to discuss the usefulness of the guide; (5) A feedback form for users of the New Beginnings discussion guide will be part of the future distribution of the guide. This form is designed to provide on-going input from new users of the guide. The only cost to respondents is their time to participate in the survey.

Study Design

The study will consist of the following three groups of facilitators and participants:

Group 1: Twelve facilitators will convene groups of participants and complete the facilitator feedback forms. The same 120 participants will view the movie and complete the pre-, post-, and follow-up questionnaires.

Group 2: Twelve facilitators will convene groups of participants and complete the facilitator feedback forms. The same 120 participants will view the movie, participate in one discussion session, and complete the pre-, post-, and follow-up questionnaires.

Group 3: Twelve facilitators will convene groups of participants and complete the facilitator feedback forms for each discussion session convened. The same 120 participants will view the movie, participate in 2–4 discussion sessions, and complete the pre-, post-, and follow-up questionnaires.

Additionally:

18 participants (drawn from the total pool of 360) will participate in in-depth interviews.

Twenty trained and lay facilitators will participate in in-depth interviews.

50 facilitators will complete the feedback form that accompanies the discussion guide.

Estimated Annualized Burden Hours

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Group 1: Facilitator	Facilitator Information Form	12	1	5/60	1
Group 1: Participant	View the movie	120	1	30/60	60
Group 1: Participant	Pre-program questionnaire	120	1	20/60	40
Group 1: Participant	Post-program questionnaire	120	1	20/60	40
Group 1: Participant	Follow-up questionnaire	120	1	20/60	40
Group 2: Facilitator	Facilitator Information Form	12	1	10/60	2
Group 2: Participant	View the movie	120	1	30/60	60
Group 2: Participant	Pre-program questionnaire	120	1	20/60	40
Group 2: Participant	Post-program questionnaire	120	1	20/60	40
Group 2: Participant	Participate in one facilitated discussion.	120	1	60/60	120
Group 2: Participant	Follow-up questionnaire	120	1	20/60	40
Group 3: Facilitator	Facilitator Information Form	12	4	10/60	8
Group 3: Participant	View the movie	120	1	30/60	60
Group 3: Participant	Pre-program questionnaire	120	1	20/60	40
Group 3: Participant	Post-program questionnaire	120	4	60/60	480
Group 3: Participant	Participate in four facilitated discussions.	120	1	20/60	40
Group 3: Participant	Follow-up questionnaire	120	1	20/60	40
Facilitator	In-depth interview	20	1	60/60	20
Participant	In-depth interview	18	1	60/60	18
Facilitator	Feedback Forms	50	1	10/60	8.5
Total		396			1197.5

Dated: February 28, 2007.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E7–3984 Filed 3–6–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day 07–0639]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Joan Karr, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Special Exposure Cohort Petitions—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On October 30, 2000, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384–7385 [1994, supp. 2001] was enacted. It established a compensation program to provide a lump sum payment of $150,000 and medical benefits as compensation to covered employees suffering from designated illnesses incurred as a result of their exposure to radiation, beryllium, or silica while in the performance of duty for the Department of Energy and certain of its vendors, contractors and subcontractors. This legislation also provided for payment of compensation for certain survivors of these covered employees. The only change to the collection is an increase in burden hours because more petitioners are requesting to have their work site named as a special exposure cohort. This program has been mandated to be in effect until Congress ends the funding.

EEOICPA instructed the President to designate one or more Federal Agencies to carry out the compensation program. Accordingly, the President issued Executive Order 13179 (''Providing Compensation to America's Nuclear Weapons Workers'') on December 7, 2000 (65 FR 77487), assigning primary responsibility for administration of the compensation program to the Department of Labor (DOL). The executive order directed the Department of Health and Human Services (HHS) to perform several technical and policymaking roles in support of the DOL program.

Among other duties, the executive order directed HHS to establish and implement procedures for considering petitions by classes of nuclear weapons workers to be added to the ''Special Exposure Cohort'' (the ''Cohort''), various groups of workers whose claims for cancer under EEOICPA can be adjudicated without demonstrating that their cancer was ''at least as likely as not'' caused by radiation doses they incurred in the performance of duty. In brief, EEOICPA authorizes HHS to designate such classes of employees for addition to the Cohort when NIOSH lacks sufficient information to estimate with sufficient accuracy the radiation doses of the employees, if HHS also finds that the health of members of the class may have been endangered by the radiation dose the class potentially incurred. HHS must also obtain the advice of the Advisory Board on Radiation and Worker Health (the ''Board'') in establishing such findings. On March 7, 2003, HHS proposed procedures for adding such classes to the Cohort in a notice of proposed rulemaking at 42 CFR Part 83.

The HHS procedures authorize a variety of individuals and entities to submit petitions, as specified under § 83.7. Petitioners are required to provide the information specified in § 83.9 to qualify their petitions for a complete evaluation by HHS and the Board. HHS has developed two petition forms to assist the petitioners in providing this required information efficiently and completely. Petition Form A is a one-page form to be used by EEOICPA claimants for whom NIOSH will have attempted to conduct dose reconstructions and will have determined that available information is not sufficient to complete the dose reconstruction. The form addresses the informational requirements specified under § 83.9(a) and (b). Petition Form B, accompanied by separate instructions, is intended for all other petitioners. The form addresses the informational requirements specified under § 83.9(a) and (c). Forms A and B can be submitted electronically as well as in hard copy. Petitioners should be aware that HHS is not requiring petitioners to use the forms. Petitioners can choose to submit petitions as letters or in other formats, but petitions must meet the informational requirements referenced above. NIOSH expects, however, that all petitioners for whom Form A would be appropriate will actually use the form, since NIOSH will provide it to them upon determining that their dose reconstruction cannot be completed and encourage them to submit the petition. NIOSH expects the large majority of petitioners for whom Form B would be appropriate will also use the form, since it provides a simple, organized format for addressing the informational requirements of a petition.

NIOSH will use the information obtained through the petition for the following purposes: (a) Identify the petitioner(s), obtain their contact information, and establish that the petitioner(s) is qualified and intends to petition HHS; (b) establish an initial definition of the class of employees being proposed to be considered for addition to the Cohort; (c) determine whether there is justification to require HHS to evaluate whether or not to designate the proposed class as an addition to the Cohort (such an evaluation involves potentially extensive data collection, analysis, and related deliberations by NIOSH, the Board, and HHS); and, (d) target an evaluation by HHS to examine relevant potential limitations of radiation monitoring and/or dosimetry-relevant records and to examine the potential for related radiation exposures that might have endangered the health of members of the class.

Finally, under § 83.18, petitioners may contest the proposed decision of the Secretary to add or deny adding classes of employees to the cohort by submitting evidence that the proposed decision relies on a record of either factual or procedural errors in the implementation of these procedures. NIOSH estimates that the time to prepare and submit such a challenge is 45 minutes. Because of the uniqueness of this submission, NIOSH is not providing a form. The submission should be in a letter format.

There are no costs to petitioners unless a petitioner chooses to purchase the services of a expert in dose reconstruction, an option provided for under 42 CFR 83.9(c)(2)(iii). The petitioner would assume the financial burden of purchasing such services at their option. In such cases, HHS estimates a report by such an expert may cost between $640 and $6,400, depending on the scope of the petition and access to relevant information. This is based on an estimate of costs of $80 per hour for contractual services by a health physicist, who NIOSH estimates would be employed within a range of eight to eighty hours to conduct and prepare a report on the required assessment.

Estimate of Annualized Burden Hours

Form name & number (CFR reference)	Respondents	Number of respondents	Number of responses per respondent	Average burden per respondent (in hours)	Total burden (in hours)
83.9	Petitioners using Form A	30	1	3/60	1.5
83.9	Petitioners using Form B	40	1	5	200
83.9	Petitioners not using Form B	5	1	5.5	27.5
83.18	Petitioners Appealing proposed decisions	5	1	45/60	3.75
Total		80			233

Dated: February 28, 2007.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E7–3985 Filed 3–6–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day 07–07AN]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Joan Karr, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Program Effectiveness Evaluation of Workplace Intervention for Intimate Partner Violence (IPV)—New—National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Intimate partner violence (IPV) affects a substantial number of Americans, and there has recently been increasing recognition of the impact it has on the workplace. In addition to direct impacts (batterers often stalk or even attack IPV victims at their place of work), IPV has indirect impacts on the workplace environment through lost productivity due to medical leave, absenteeism, and fear and distraction on the part of victims and coworkers. The Centers for Disease Control and Prevention (CDC) has employed contractor support to evaluate an ongoing workplace IPV prevention program being implemented at a national corporation. The purpose of the proposed evaluation is to document in detail the workplace IPV prevention activities delivered by the company, to determine the impact of these activities on short-term and long-term outcomes, and to determine the cost-effectiveness of the program. All managers at the corporation will be screened to assess training experiences. Then, more in-depth surveys will be done among managers who have not had the corporation's IPV training. We will survey those 500 managers at baseline, and 6 and 12 months later. Manager surveys will focus on knowledge/awareness of IPV and company resources for IPV and number of referrals for IPV assistance. We will also survey employees of those managers using an anonymous web-based survey at baseline and 12 months later to assess their self-evaluated productivity, absenteeism, and perceptions of manager behavior. We will compare the responses of managers (and their employees) who received the IPV training in the study period (*i.e.*, sometime between the baseline and 12 month surveys) with untrained managers. The study will provide CDC and employers information about the potential effectiveness and cost-effectiveness of workplace IPV intervention strategies.

There are no costs to respondents except their time to participate in the interview.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Employee	1500	2	30/60	1500
Manager	500	3	30/60	75
Total	2000			2250

Dated: February 28, 2007.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E7–3986 Filed 3–6–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegation of Authority; Republication

Editorial Note: FR Doc. E7–3306 originally published at page 8742 in the issue of Tuesday, February 27, 2007. The original publication contained erroneous text. As a result, the corrected document is being republished in its entirety.

Notice is hereby given that I have delegated to the Director, Office of Head Start, the following authority vested in me by the Secretary of Health and Human Services in a memorandum dated August 20, 1991, pertaining to the Head Start Program and the Child Development Associate Scholarship Assistance Grants Program.

(a) Authority Delegated

Authority to administer the Head Start Program under the Head Start Act, 42 U.S.C. 9801 et seq., and as amended now and hereafter. (This includes authority to administer the Early Head Start program.)

(b) Limitations

1. This delegation of authority shall be exercised under the Department's existing policies on delegations and regulations.

2. This delegation of authority does not include the authority to submit reports to Congress and shall be exercised under financial and administrative requirements applicable to all Administration for Children and Families' authorities.

3. The approval or disapproval of grant applications including refunding applications, the making of grant awards, the waiver of non-Federal share under 42 U.S.C. 9835(b), the waiver of fifteen percent administrative cost limitations under 42 U.S.C. 9839(b), and the approval of interim grantees under 42 U.S.C. 9836(e) requires concurrence of the appropriate Grants Officer. The approval or disapproval of contract proposals and awards is subject to the requirements of the Federal Acquisition Regulations and requires the concurrence of the Contracting Officer.

4. This delegation of authority does not include the authority to approve or disapprove awards for grants or contracts for research, demonstration, or evaluation under section 649 of the Head Start Act.

5. This delegation of authority does not include the authority to appoint Central Office or Regional Office Grant Officers for the administration of the Head Start Program.

6. This delegation of authority does not include the authority to appoint Action Officials for Audit Resolution.

7. This delegation of authority does not include the authority to sign and issue notices of grant awards.

8. This delegation of authority does not include the authority to hold hearings. This limitation does not include the ''informal meetings'' authorized in 45 CFR part 1303.

9. Any redelegation shall be in writing and prompt notification must be provided to all affected managers, supervisors, and other personnel, and requires the concurrence of the Deputy Assistant Secretary for Administration.

(c) Effect on Existing Delegations

As related to this delegation of authority, this delegation supersedes all previous delegations of authority involving the Head Start Program except the September 25, 2002, delegation to the Director, Office of Planning, Research and Evaluation relating to section 649 of the Head Start Act.

(d) Effective Date

This delegation is effective upon the date of signature.

I hereby affirm and ratify any actions taken by the Director, Office of Head Start, which involved the exercise of the authority delegated herein prior to the effective date of this delegation.

Dated: February 16, 2007.

Wade F. Horn,

Assistant Secretary for Children and Families.

[FR Doc. E7–3306 Filed 2–26–07; 8:45 am]

Editorial Note: FR Doc. E7–3306 originally published at page 8742 in the issue of Tuesday, February 27, 2007. The original publication contained erroneous text. As a result, the corrected document is being republished in its entirety.

[FR Doc. R7–3306 Filed 3–6–07; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0036]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Experimental Study of Possible Footnotes and Cueing Schemes to Help Consumers Interpret Quantitative Trans Fat Disclosure on the Nutrition Facts Panel

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 April 6, 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: 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 compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance. In the **Federal Register** of December 18, 2006 (71 FR 75762), FDA published a notice entitled ''Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Experimental Study of Possible Footnotes and Cueing Schemes to Help Consumers Interpret Quantitative Trans Fat Disclosure on the Nutrition Facts Panel.'' This notice contained an incorrect deadline for comments on the proposed collection of information in the **DATES** section. FDA is republishing the notice and providing a full 30-day comment period. Any comments previously submitted regarding this notice will be considered and do not need to be re-submitted.

Experimental Study of Possible Footnotes and Cueing Schemes to Help Consumers Interpret Quantitative Trans Fat Disclosure on the Nutrition Facts Panel—(OMB Control Number 0910–0532)—Reinstatement

FDA is requesting OMB approval of an experimental study of possible footnotes and cueing schemes intended to help consumers interpret quantitative trans fat information on the Nutrition Facts Panel (NFP) of a food product. The purpose of the experimental study is to help FDA's Center for Food Safety and Applied Nutrition formulate decisions and policies affecting labeling requirements for trans fat disclosure.

In the **Federal Register** of July 11, 2003 (68 FR 41434), FDA issued a final rule requiring disclosure on the NFP of quantitative trans fat information on a separate line without any accompanying footnote. At the same time, the agency issued an advance notice of proposed rulemaking entitled ''Food Labeling: Trans Fatty Acids in Nutrition Labeling; Consumer Research to Consider Nutrient Content and Health Claims and Possible Footnote or Disclosure Statements'' (68 FR 41507) which requested comments about possible footnotes to help consumers better understand trans fat declarations on the product label. The agency sought comments about whether it should consider requiring statements about trans fat, either alone or in combination with saturated fat and cholesterol, as a footnote on the NFP to enhance consumers' understanding about such cholesterol-raising lipids and how to use information on the label to make healthy food choices. Comments received in response to the notice contained suggested footnotes and cueing schemes. The proposed experimental study will evaluate the ability of several possible footnotes and cueing schemes to help consumers make heart-healthy food choices. The results of the experimental study will provide empirical support for possible policy decisions about the need for such requirements and the appropriate form they should take.

FDA or its contractor will use information gathered from Internet panel samples to evaluate how consumers understand and respond to possible footnote and cueing schemes. The distinctive features of Internet panels for the purpose of the experimental study are that they allow for controlled visual presentation of study materials, experimental manipulation of study materials, and the random assignment of subjects to condition. Experimental manipulation of labels and random assignment to condition makes it possible to estimate the effects of the various possible footnotes and cueing schemes while controlling for individual differences between subjects. Random assignment ensures that mean differences between conditions can be tested using well-known techniques such as analysis of variance or regression analysis to yield statistically valid estimates of effect size. The study will be conducted using a convenience sample drawn from a large, national consumer panel of about one million households.

Participants will be adults, age 18 and older, who are recruited for a study about foods and food labels. Each participant will be randomly assigned to 1 of the 54 experimental conditions derived from fully crossing 8 possible footnotes/cueing schemes, 3 product types, and 2 prior knowledge conditions.

FDA will use the information from the experimental study to evaluate regulatory and policy options. The agency often lacks empirical data about how consumers understand and respond to statements they might see in product labeling. The information gathered from this experimental study will be used to estimate consumer comprehension and the behavioral impact of various footnotes and cueing schemes intended to help consumers better understand quantitative trans fat information.

The experimental study data will be collected using participants of an Internet panel of approximately one million people. Participation in the experimental study is voluntary.

In the **Federal Register** of February 6, 2006 (71 FR 6079), FDA published a 60-day notice requesting public comment on the information collection that will take place as part of the experimental study. FDA received two letters in response to the notice, each containing multiple comments.

(Comment 1) One comment stated that the organization concurs with the objectives of the study and believes the information from this study will be useful to FDA in developing labeling policy to assist consumers with interpretation of trans fat claims in food labeling. Another comment expressed concern that the NFP of only one of the three product pairs (margarine) showed polyunsaturated fat and monounsaturated fat content and recommended that the NFPs for all three products tested in the study show the fuller fat profile.

(Response) FDA disagrees with the recommendation that the NFPs for all three products tested in the study disclose a fuller fat profile. Most NFPs do not include the optional polyunsaturated fat and monounsaturated fat content. Typically, this information is disclosed on NFPs for products that are entirely or largely composed of fat (e.g., butter, margarine, and cooking oils). In these cases, the fat profile may be shown in greater detail because consumers may use this information to select among alternative food products. The NFPs for the product pairs tested in the study are consistent with actual donut, margarine, and frozen lasagna labels. Because the recommended change would limit products tested in the study to those such as butter, margarine, and cooking oils, FDA will retain the NFPs as proposed.

(Comment 2) One comment suggested that the NFPs should not reflect rounding, to minimize potential consumer confusion. The comment specifically recommended that FDA edit the study NFPs containing declarations of polyunsaturated and monounsaturated fats (i.e., for the margarine product pair) to declare total fat grams in an amount equal to the sum of the four listed fatty acids.

(Response) FDA agrees that for the margarine labels, which include the four fatty acids under total fat, the fatty acids gram (g) amounts declared should add up to the total fat gram amount to avoid raising questions or distracting the participants in the margarine conditions. We made the requested change.

(Comment 3) One comment suggested that, for the margarine labels, FDA should edit the polyunsaturated and monounsaturated values to be as equal as possible in the product pairings to ensure that the focus is on the saturated fat and trans fat content.

(Response) FDA disagrees with the suggested change to the NFPs for the margarine product pairs. In order to keep the values for the polyunsaturated and monounsaturated fats identical in the margarine pairs, the saturated fat content would become unrealistically high in one label because it is the only fat component that could increase when trans fat equals zero. FDA will retain the NFPs as proposed.

(Comment 4) One comment noted that only one of the NFPs for the three products tested in the study showed some cholesterol present in the product; the other two products disclosed cholesterol as zero. In particular, the comment identified lasagna as unlikely to contain 0 milligrams of cholesterol.

(Response) FDA agrees that zero cholesterol is not likely to be a realistic amount of cholesterol disclosed on a

NFP for a lasagna product and has revised the NFPs for the lasagna pairs. In addition, FDA changed a product category from cookies to donuts edited and the NFPs for the new donut product pair to add a disclosure of cholesterol.

(Comment 5) One comment critiqued the draft Full Information treatment language. The comment criticized the one-page summary because: (1) It did not identify calories in the discussion of fat as a major source of energy and (2) it did not relate the calorie contribution of fat to that of carbohydrates and protein. The comment also criticized the information about sources of trans fat because it omitted mention of natural sources of trans fat in the diet, which the comment suggested would help ensure factually correct and balanced information about sources of trans in the diet. The comment questioned the value of stating that trans fat extends shelflife and has desirable taste characteristics since many saturated fat sources are relatively shelf stable and have desirable taste characteristics.

(Response) FDA agrees and has revised the Full Information treatment in response to these concerns. Calories and other sources of energy are now mentioned in the introductory passage. Natural sources of trans fat are now mentioned and the similarity between trans fat and saturated fat in terms of shelflife and taste are now addressed. The revised draft will be included in the study pretest and further revisions will be made if FDA determines they are needed based upon pretest results.

(Comment 6) One comment suggested consumer confusion may be caused when a NFP for a product discloses 0g of trans fat but the ingredient list discloses an ingredient that contains trans fat, as is permitted by the trans fat labeling regulations. The comment concluded that FDA should add experimental conditions in which this occurs. The comment suggested that for this situation the study should test language for a footnote to the ingredient list to explain that there may be a trans fat ingredient in the product when the NFP shows trans fat as zero.

(Response) FDA disagrees with the proposed addition to the study's experimental conditions. Under existing trans fat labeling regulations, food manufacturers are allowed to list amounts of trans fat less than 0.5 g per serving as zero on the NFP. While such situations occur in the marketplace and are permitted by the trans fat labeling regulations, whether this causes consumer confusion is an issue outside the scope of the proposed research, which focuses on the effects of NFP footnotes and alternative presentations of trans fat information in the NFP on consumers' ability to correctly identify more healthful food products. The Office of Nutritional Products, Labeling, and Dietary Supplements has received and responded to a separate letter on this topic from the commenter.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Activity	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Pretest	40	1	40	.25	10
Study	3,240	1	3,240	.25	810
Total					820

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: February 28, 2007.

Jeffrey Shuren,

Associate Commissioner for Policy.

[FR Doc. E7–3904 Filed 3–6–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0357]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Procedures for the Safe and Sanitary Processing and Importing of Fish and Fishery Products

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 April 6, 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: 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 compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Procedures for the Safe and Sanitary Processing and Importing of Fish and Fishery Products—21 CFR Part 123 (OMB Control Number 0910–0354)—Extension

FDA regulations in part 123 (21 CFR part 123) mandate the application of hazard analysis and critical control point (HACCP) principles to the processing of seafood. HACCP is a preventive system of hazard control designed to help ensure the safety of foods. The regulations were issued under FDA's statutory authority to regulate food safety, including section 402(a)(1) and (a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(1) and (a)(4)), and became effective on December 18, 1997.

Certain provisions in part 123 require that processors and importers of seafood collect and record information. The HACCP records compiled and maintained by a seafood processor primarily consist of the periodic observations recorded at selected monitoring points during processing and packaging operations, as called for in a processor's HACCP plan (e.g., the

values for processing times, temperatures, acidity, etc., as observed at critical control points). The primary purpose of HACCP records is to permit a processor to verify that products have been produced within carefully established processing parameters (critical limits) that ensure that hazards have been avoided. HACCP records are normally reviewed by appropriately trained employees at the end of a production lot or at the end of a day or week of production to verify that control limits have been maintained, or that appropriate corrective actions were taken if the critical limits were not maintained. Such verification activities are essential to ensure that the HACCP system is working as planned. A review of these records during the conduct of periodic plant inspections also permits FDA to determine whether the products have been consistently processed in conformance with appropriate HACCP food safety controls.

Section 123.12 requires that importers of seafood products take affirmative steps and maintain records that verify that the fish and fishery products they offer for import into the United States were processed in accordance with the HACCP and sanitation provisions set forth in part 123. These records are also to be made available for review by FDA as provided in § 123.12(c).

The time and costs of these recordkeeping activities will vary considerably among processors and importers of fish and fishery products, depending on the type and number of products involved, and on the nature of the equipment or instruments required to monitor critical control points. The burdens have been estimated using typical small seafood processing firms as a model because these firms represent a significant proportion of the industry. Costs were estimated for the collection of HACCP data for each type of recordkeeping activity using a labor cost of $15.00 per hour.

The burden estimate in table 1 of this document includes only those collections of information under the seafood HACCP regulations that are not already required under other statutes and regulations. The estimate also does not include collections of information that are a usual and customary part of businesses' normal activities. For example, the tagging and labeling of molluscan shellfish (21 CFR 1240.60) is a customary and usual practice among seafood processors. Consequently, the estimates in table 1 of this document account only for information collection and recording requirements attributable to part 123.

Upon reevaluation of the burden estimates for part 123, we have determined that PRA requirements do not apply to § 123.10.

In the **Federal Register** of September 26, 2006 (71 FR 56154), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section[2]	No. of Recordkeepers	Annual Frequency per Recordkeeping[3]	Total Annual Records	Hours per Record[4]	Total Hours
123.6(a), (b), and (c)	275	1	275	16.00	4,400
123.6(c)(5)	5,500	4	22,000	0.30	6,600
123.8(a)(1) and (c)	5,500	1	5,500	4.00	22,000
123.12(a)(2)(ii)	1,100	80	88,000	0.20	17,600
123.6(c)(7)	5,500	280	1,540,000	0.30	462,000
123.7(d)	2,200	4	8,800	0.10	880
123.8(d)	5,500	47	258,500	0.10	25,850
123.11(c)	5,500	280	1,540,000	0.10	154,000
123.12(c)	1,100	80	88,000	0.10	8,800
123.12(a)(2)	55	1	55	4.00	220
TOTAL					702,350

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.
[2]These estimates include the information collection requirements in the following sections:
§ 123.16—Smoked Fish—process controls (see § 123.6(b))
§ 123.28(a)—Source Controls—molluscan shellfish (see § 123.6(b))
§ 123.28(c) and (d)—Records–molluscan shellfish (see § 123.6(c)(7))
[3]Based on an estimated 280 working days per year.
[4]Estimated average time per 8-hour workday unless one-time response.

Dated: February 27, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–3915 Filed 3–6–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005D–0062]

Guidance on Drug Safety Information—Food and Drug Administration's Communication to the Public; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance titled ''Drug Safety Information—FDA's Communication to the Public.'' This guidance describes FDA's current approach to communicating important drug safety information, including emerging drug safety information, to the public and the factors that influence when such information is communicated. This guidance was developed in connection with FDA's Drug Safety Initiative. This guidance is the final version and supersedes the previously issued draft guidance titled ''FDA's Drug Watch for Emerging Drug Safety Information'' (70 FR 24606, May 10, 2005).

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Paul J. Seligman, Associate Director for Safety Policy and Communication, Center for Drug Evaluation and Research (HFD–001), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5570.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance entitled ''Drug Safety Information—FDA's Communication to the Public.'' This guidance describes FDA's current approach to communicating important drug safety information, including emerging drug safety information, to the public and the factors that influence when such information is communicated.

For many years, FDA has provided information on drug risks and benefits to healthcare professionals and patients when that information has generated a specific concern or prompted a regulatory action, such as a revision to the drug product's labeling. FDA has been reexamining its risk communication program, including how and when we communicate emerging drug safety information to the public. More recently, FDA has begun taking a more comprehensive approach to making information on potential drug risks available to the public earlier, in some cases while the agency still is evaluating whether any regulatory action is warranted. FDA believes that timely communication of important drug safety information will give healthcare professionals, patients, consumers, and other interested persons access to the most current information concerning the potential risks and benefits of a marketed drug, helping them to make more informed individual treatment choices.

FDA's risk communication efforts are part of a larger drug safety initiative that began in November 2004, when FDA announced an initiative to strengthen the safety program for marketed drugs. This initiative included the following: (1) Sponsoring an independent study by the Institute of Medicine of the National Academies of the effectiveness of the drug safety system, with emphasis on postmarketing risk assessment and surveillance; (2) conducting workshops and Advisory Committee meetings regarding complex drug safety and risk management issues, including emerging concerns; and (3) publishing three risk management guidances. FDA augmented its drug safety initiative in February 2005 by creating an independent Drug Safety Oversight Board to enhance oversight of drug safety decision making within the Center for Drug Evaluation and Research (CDER).

In May 2005, FDA issued a draft guidance titled ''FDA's Drug Watch for Emerging Drug Safety Information'' (70 FR 24606, May 10, 2005). The draft guidance described a proposal to establish a new communication channel, called the ''Drug Watch'' Web page, to provide information to the public on emerging drug safety issues. In December 2005, FDA held a public hearing regarding ''FDA's Communication of Drug Safety Information'' that examined the various risk communication tools employed by FDA. FDA has carefully reviewed the comments it received on the draft guidance (30 comments were submitted to the public docket) and during the public hearing. This final version of the guidance reflects our consideration of these comments, as well as our experience with posting emerging drug safety information.

Due to potential confusion between the proposed ''Drug Watch'' and FDA's existing ''MedWatch'' program, FDA no longer plans to use the name ''Drug Watch'' to describe the Web page that contains drug safety information. We have identified drugs that have been the subject of a Public Health Advisory or an Alert on a single Web page, the Index to Drug-Specific Information, linked from FDA's Web site. This is part of our ongoing effort to use and enhance existing FDA communications mechanisms to better convey important drug safety information to the public. In addition, we have revised this guidance to describe the various methods FDA currently uses to communicate established and emerging drug safety information to the public. It should be noted that we will continue to evaluate and enhance the effectiveness of the various methods we use to communicate about important drug safety issues, including the mechanisms described in this guidance and the presentation of drug safety information on the Agency Web sites (*http://www.fda.gov* and *http://www.fda.gov/cder*). We intend to update this guidance, as appropriate, to reflect any substantial modifications to our communication of drug safety information to the public.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic

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

III. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 310.305, 314.80, 314.98, and 600.80 have been approved under OMB control numbers 0910–0230, 0910–0291, and 0910–0308.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: February 28, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 07–1048 Filed 2–2–07; 10:22 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Application for the National Health Service Corps (NHSC) Clinician Retention Information: New Collection

The National Health Service Corps (NHSC) of the Bureau of Health Professions (BHPr), HRSA, is committed to improving the health of the Nation's underserved by uniting communities in need with caring health professionals and by supporting communities' efforts to build better systems of care.

The NHSC is responsible for collecting data on its programs to ensure compliance with legislative mandates and to report to Congress and policymakers on program accomplishments. One of the most important statistics reported to Congress and policymakers is the retention rate of NHSC supported clinicians serving in an underserved area. The following information will be collected three months prior to the completion of obligated service: (1) Verification of current contact information; (2) if employment is to be continued at the same NHSC site; (3) if the clinician moved from the NHSC service site but plans to continue practicing in an underserved area, and (4) the primary reason for stopping practice in an underserved area, if applicable.

The estimated burden is as follows:

Type of report	Number of respondents	Responses per respondent	Hours per response	Total burden hours
NHSC Clinical Retention Information	1000	1	0.25	250

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 27, 2007.

Alexandra Huttinger,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. E7–3901 Filed 3–6–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Data Collection Tool for the Black Lung Clinics Program (OMB No. 0915–0292): Revision

The Office of Rural Health Policy (ORHP), Health Resources and Services Administration, conducts an annual data collection of user information for the Black Lung Clinics Program. The purpose of the Black Lung Clinics Program is to improve the health status of coal workers by providing services to minimize the effects of respiratory and pulmonary impairments of coal miners. Grantees provide specific diagnostic and treatment procedures required in the management of problems associated with black lung disease which improves the quality of life of the miner and reduces economic costs associated with morbidity and mortality arising from pulmonary diseases. The purpose of collecting this data is to provide HRSA with information on how well each grantee is meeting the needs of active and retired miners in the funded communities.

Data from the annual report will provide quantitative information about the programs, specifically: (a) The characteristics of the patients they serve (gender, age, disability level, occupation type); (b) the characteristics of services provided (medical encounters, non-medical encounters, benefits counseling, or outreach); and (c) the number of patients served. The annual report will be updated to include a qualitative measure on the percent of patients that show improvement in pulmonary function. This assessment will provide data useful to the program and will enable HRSA to provide data required by Congress under the Government Performance and Results Act of 1993. It will also ensure that funds are being effectively used to provide services to meet the needs of the target population.

The estimated burden is a follows:

Form name	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Database	15	1	10	150

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 27, 2007.

Alexandra Huttinger,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. E7–3917 Filed 3–6–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (44 U.D.C. 3506(c)(2)(A)), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Data System for Organ Procurement and Transplantation Network and Associated Forms (OMB No. 0915–0157): Revision

Section 372 of the Public Health Service (PHS) Act requires that the Secretary, by contract, provide for the establishment and operation of an Organ Procurement and Transplantation Network (OPTN). The OPTN, among other responsibilities, operates and maintains a national waiting list of individuals requiring organ transplants, maintains a computerized system for matching donor organs with transplant candidates on the waiting list, and operates a 24-hour system to facilitate matching organs with individuals included in the list.

Data for the OPTN data system are collected from transplant hospitals, organ procurement organizations, and tissue-typing laboratories. The information is used to indicate the disease severity of transplant candidates, to monitor compliance of member organizations with OPTN rules and requirements, and to report periodically on the clinical and scientific status of organ donation and transplantation in this country. Data are used to develop transplant, donation and allocation policies, to determine if institutional members are complying with policy, to determine member specific performance, to ensure patient safety when no alternative sources of data exist and to fulfill the requirements of the OPTN Final Rule. The practical utility of the data collection is further enhanced by requirements that the OPTN data must be made available, consistent with applicable laws, for use by OPTN members, the Scientific Registry of Transplant Recipients, the Department of Health and Human Services, and others for evaluation, research, patient information, and other important purposes.

Revisions in the 26 data collection forms are intended to implement approved reduction in data collection for candidates and recipients, to provide additional information specific to pediatric patients, and to clarify existing questions.

ESTIMATES OF ANNUALIZED HOUR BURDEN

Form	Number of respondents	Responses per respondents	Total responses	Hours per response	Total burden hours
Deceased Donor Registration	58	215	12,470	0.4200	5,237.4000
Death referral data	58	12	696	10.0000	6,960.0000
Living Donor Registration	711	10	7,110	0.4100	2,915.1000
Living Donor Follow-up	711	18	12,798	0.3300	4,223.3400
Donor Histocompatibility	154	95	14,630	0.0600	877.8000
Recipient Histocompatibility	154	172	26,488	0.1100	2,913.6800
Heart Candidate Registration	135	23	3,105	0.2800	869.4000
Lung Candidate Registration	67	27	1,809	0.2800	506.5200
Heart/Lung Candidate Registration	59	1	59	0.2800	16.5200
Thoracic Registration	135	27	3,645	0.4400	1,603.8000
Thoracic Follow-up	135	229	30,915	0.4130	12,767.8950
Kidney Candidate Registration	250	133	33,250	0.2800	9,310.0000
Kidney Registration	250	69	17,250	0.4400	7,590.0000
Kidney Follow-up	250	544	136,000	0.3332	45,315.2000
Liver Candidate Registration	125	89	11,125	0.2800	3,115.0000
Liver Registration	125	54	6,750	0.4000	2,700.0000
Liver Follow-up	125	383	47,875	0.3336	15,971.1000
Kidney/Pancreas Candidate Registration	146	12	1,752	0.2800	490.5600
Kidney/Pancreas Registration	146	7	1,022	0.5300	541.6600
Kidney/Pancreas Follow-up	146	65	9,490	0.5027	4,770.6230
Pancreas Candidate Registration	146	7	1,022	0.2800	286.1600
Pancreas Registration	146	3	438	0.4400	192.7200
Pancreas Follow-up	146	23	3,358	0.4133	1,387.8614
Intestine Candidate Registration	45	8	360	0.2400	86.4000
Intestine Registration	45	4	180	0.5300	95.4000
Intestine Follow-up	45	17	765	0.5059	387.0135
Post Transplant Malignancy	711	6	4,266	0.0800	341.2800
Total	923		388,628		131,472.4329

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 27, 2007.

Alexandra Huttinger,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. E7–3918 Filed 3–6–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Practitioner Data Bank; Announcement of Proactive Disclosure Service (PDS) Opening Date and User Fees

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS), is announcing the implementation of a Proactive Disclosure Service (PDS) Prototype. The PDS is being offered as an alternative to the periodic querying of the National Practitioner Data Bank (NPDB). It was developed in response to the growing interest of healthcare entities in on-going monitoring of practitioner credentials.

Authorized Data Bank entities can choose to enroll all of their practitioners in PDS or enroll some practitioners while continuing to periodically query on others using the regular query methods. The query fee for periodic queries remains $4.75 per name. Entities with PDS enrolled practitioners will be notified within one business day of the NPDB's receipt of a report on any of their enrollees. While entities can expect to receive reports sooner with PDS, the format of and the information contained in a report, as well as the information required to be reported will remain the same. Initially, the PDS is being offered as a prototype. The annual subscription fee, during the prototype period, is $3.25 per practitioner. This rate is subject to change after the prototype period is complete.

DATES: This fee will be effective April 30, 2007.

FOR FURTHER INFORMATION CONTACT: Mark Pincus, Branch Chief, Practitioner Data Banks Branch, Office of Workforce Evaluation and Quality Assurance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Rm 8C–103, 5600 Fishers Lane, Rockville, MD 20857, Tel: 301–443–2300, E-mail: *policyanalysis@hrsa.gov.*

SUPPLEMENTARY INFORMATION:

1. PDS Enrollment Availability

The PDS prototype will be available April 30, 2007. An invitation to enroll practitioners in the prototype has been extended first to organizations that assisted HRSA with designing and pricing, which occurred between 2003 and 2005. All NPDB registered entities have been invited to enroll their practitioners to meet a predetermined number for enrollees. Once this number is achieved, enrollment in the prototype will close. It is anticipated that the PDS prototype period will last approximately 18 to 24 months before it is opened to all authorized Data Bank entities.

2. User Fee Amount

The NPDB is authorized by the Health Care Quality Improvement Act of 1986 (the Act), Title IV of Public Law 99–660, as amended (42 U.S.C. 11101 *et seq.*). Section 427(b)(4) of the Act authorizes the establishment of fees for the costs of processing related to receiving and disclosing information.

Final regulations at 45 CFR part 60 set forth these criteria and procedures for information to be reported to and disclosed by the NPDB. Section 60.3 of these regulations defines the terms used in this announcement.

In determining any changes in the amount of the user fee, the Department uses the criteria set forth in section 60.12(b) of the regulations. The Department must recover the full costs of operating the Data Bank through user fees. Paragraph (b) of the regulations states:

''The amount of each fee will be determined based on the following criteria:

a. Use of electronic data processing equipment to obtain information—the actual cost for the service, including computer search time, runs, printouts, and time of computer programmers and operators, or other employees,

b. Photocopying or other forms of reproduction, such as magnetic tapes—actual cost of the operator's time, plus the cost of the machine time and the materials used,

c. Postage—actual cost, and

d. Sending information by special methods requested by the applicant, such as express mail or electronic transfer—the actual cost of the special service.''

An annual subscription fee of $3.25 per practitioner will be charged upon enrollment. This fee includes the cost of an initial query, which automatically occurs when a practitioner is first enrolled, and all reports received on the enrolled practitioner over the course of the subscription period of 1 year. The fee was determined through economic analysis of the average annual rate of queries performed by health care entities in relationship to the current query fee that is based on the actual cost for services. The Department will accept payment for the subscription fee from entities via credit card or electronic funds transfer. When the prototype period concludes, the Department may change the subscription fee. Any changes will be announced through notice in the **Federal Register**.

The periodic query fee remains at $4.75 per name. The practitioner self-query fee remains at $8.00. Currently when a periodic query is on one or more physicians, dentists or other health care practitioners, the appropriate fee will be $4.75 multiplied by the number of individuals about whom the information is requested. Similarly, when a PDS prototype participating entity enrolls one or more physicians, dentists or other health care practitioners, the appropriate fee will be $3.25 multiplied by the number of individuals whom are enrolled. An individual practitioner may not enroll in PDS. For examples, see the tables below.

Periodic query method	Fee per name in query	Examples
Entity query (via) internet with electronic payment	$4.75	10 names in query. 10 x $4.75 = $47.50.
Practitioner Self-query	8.00	One self-query = $8.00.

Proactive disclosure service (PDS) query method	Fee per name enrolled	Examples
Entity query (via) internet with electronic payment	$3.25	10 names in query. 10 x $3.25 = $32.50.

Dated: March 1, 2007.

Elizabeth M. Duke,

Administrator.

[FR Doc. E7–3974 Filed 3–6–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel System for HIV–1 Vaccine Development

Description of Technology: The available technologies describe specific immunogenic peptides, peptide modifications and methods for identifying additional immunogens against HIV–1 surface proteins, gp120 and gp41. Additionally, detailed methods for use of the described immunogenic peptides in the development of vaccines and diagnostics for HIV–1 are disclosed. The current technologies further include a comprehensive system for immunogen design, comprising *in silico* design coupled to feedback from X-ray crystallography, antigenic analysis, and immunization.

The described methodology demonstrates how to transplant a given HIV–1 epitope recognized by broadly neutralizing antibodies into an appropriate scaffold, while preserving its structure and antigenicity. Conservation of the three dimensional structure may lead to the generation of antibodies with broadly neutralizing characteristics, similar to the template antibody. Such epitope-transplant scaffolds may serve as valuable diagnostics to identify specific serum reactivity against the target HIV–1 epitopes. The subject scaffolding technology may be applied to any virus for which a broadly neutralizing

antibody and its respective epitope has been characterized at the atomic-level.

Applications:

1. Immunogens that elicit immune responses to HIV–1.
2. Efficient development of vaccines against HIV–1.
3. Screening tool to isolate antibodies with activities similar to identified template antibody.

Inventors: Peter D. Kwong *et al.* (NIAID)

Publications:

1. G Ofek, W Schief, J Guenaga, *et al.* Epitope-transplant scaffolds: Automated design, structural analysis, and antigenic characteristics. Manuscript in preparation (2007).
2. T Zhou, L Xu, B Dey, AJ Hessell, DV Ryk, SH Xiang, X Yang, MY Zhang, MB Zwick, J Arthos, DR Burton, DS Dimitrov, J Sodroski, R Wyatt, GJ Nabel, PD Kwong. Structural definition of a conserved neutralization epitope on HIV–1 gp120. Nature. 2007 Feb 15;445(7129):732–737.
3. DC Douek, PD Kwong, GJ Nabel. The rational design of an AIDS vaccine. Cell. 2006 Feb 24;124(4):677–681.
4. G Ofek, M Tang, A Sambor, H Katinger, JR Mascola, R Wyatt, PD Kwong. Structure and mechanistic analysis of the anti-HIV–1 antibody 2F5 in complex with its gp41 epitope. J Virol. 2004 Oct;78(19):10724–10737.

Patent Status:

1. PCT Application No. PCT/US2005/016633 filed 13 May 2005, which published as WO 2005/111079 on 24 Nov 2005 (HHS Reference No. E–218–2004/0–PCT–02), and National Stage filed in the U.S. on 26 Nov 2006 (HHS Reference No. E–218–2004/0–US–03), entitled ''HIV Vaccine Immunogens and Immunization Strategies to Elicit Broadly-Neutralizing Anti-HIV–1 Antibodies Against the Membrane Proximal of HIV gp41''.
2. PCT Application No. PCT/US2006/034681 filed 06 Sep 2006 (HHS Reference No. E–324–2005/3–PCT–01), entitled ''Conformationally Stabilized HIV Envelope Immunogens and Triggering HIV-1 Envelope to Reveal Cryptic V3-Loop Epitopes''
3. PCT Application No. PCT/US2006/034882 filed 06 Sep 2006 (HHS Reference No. E–280–2006/1–PCT–01), entitled ''HIV gp120 Crystal Structure and Its Use to Identify Immunogens''
4. U.S. Provisional Application No. 60/840,119 filed 25 Aug 2006 (HHS Reference No. E–302–2006/0–US–01), entitled ''Epitope-Transplant Scaffolds and Their Use''

Licensing Availability: Available for non-exclusive or exclusive licensing.

Licensing Contact: Susan Ano, Ph.D.; 301/435–5515; *anos@mail.nih.gov*

CCR5-Specific Human Monoclonal Antibodies

Description of Technology: The subject invention provides the composition claims related to anti-CCR5 monoclonal antibodies, their fusion protein, conjugates, derivatives, or fragments, DNA sequences encoding such antibodies, host cells containing such DNA sequences, as well as the methods to produce them recombinantly and their pharmacological composition.

It has been demonstrated that the HIV co-receptor CCR5 plays an important role in virus entry. The subject antibodies exhibited neutralization activity against HIV–1 infection by binding to cell associated CCR5 in vitro. Moreover, subject antibodies have potentially lower immunogenicity and toxicity, because they are fully human antibodies. Therefore, subject anti-CCR5 antibodies have a potential as a therapeutic and/or prophylactic in combination with other HIV–1 neutralizing antibodies and anti-retroviral drugs.

Applications: HIV treatment and prevention.

Development Status: In vitro data is available at this time.

Inventors: Dimiter S. Dimitrov and Mei-Yun Zhang (NCI).

Related Publications:

1. C Pastori *et al.* Long-lasting CCR5 internalization by antibodies in a subset of long-term nonprogressors: A possible protective effect against disease progression. Blood. 2006 Jun 15;107(12):4825–4833.
2. MY Zhang, B Vu, CC Huang, I Sidirov, V Choudhly, PD Kwong, DS Dimitrov. Identification of human monoclonal antibodies specific for CCR5 from an antibody library derived from HIV-infected long-term non-progressors. Retrovirology. 2006 Dec 21;3 Suppl 1:S61.
3. DS Dimitrov. Virus entry: molecular mechanisms and biomedical applications. Nat Rev Microbiol. 2004 Feb;2(2):109–122.

Patent Status: U.S. Provisional Application No. 60/859,401 filed 15 Nov 2006 (HHS Reference No. E–297–2006/0–US–01)

Licensing Availability: Available for exclusive and non-exclusive licensing.

Licensing Contact: Sally Hu, Ph.D.; 301/435–5606; *HuS@mail.nih.gov*.

Collaborative Research Opportunity: The NCI CCR Nanobiology Program is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize monoclonal antibodies. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: February 28, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer National Institutes of Health.

[FR Doc. E7–3959 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: March 29–30, 2007.

Time: March 29, 2007, 9 a.m. to 5 p.m.

Agenda: Provide advice to the Office of Research on Women's Health (ORWH) on appropriate research activities with respect to women's health and related studies to be undertaken by the National Research Institutes; to provide recommendations regarding ORWH activities; to meet the mandates of the office; and for discussion of scientific issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, 6C/10, Bethesda, MD 20892.

Time: March 30, 2007, 9 a.m. to 1 p.m.

Agenda: Same as above.

Place: National Institutes of Health, Building 31, 31 Center Drive, 6C/10, Bethesda, MD 20892.

Contact Person: Joyce Rudick, Director, Programs & Management, Office of Research on Women's Health, Office of the Director, National Institutes of Health, Building 1, Room 201, Bethesda, MD 20892, 301/402–1770.

Information is also available on the Institute's/Center's home page: *http://www4.od.nih.gov/orwh/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research

Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1041 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language itnerpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Director's Consumer Liaison Group.

Date: March 29–30, 2007.

Time: March 29, 2007, 8:45 a.m. to 5:30 p.m.

Agenda: 1. Approval of Minutes; 2. Report from Dr. John E. Niederhuber, NCI Director; 3. Reports on NCI Budget; Legislative Activity; NCI Scientific Initiatives by NCI Staff; Reports of DCLG Working Group and member activity; 4. Report on NCI Listens and Learns Evaluations; 5. Public Comment.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conf. Rm. 6, Bethesda, MD 20892.

Time: March 30, 2007, 2:00 p.m. to 3:30 p.m.

Agenda: Action Items and Conclusion.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conf. Rm 6, Bethesda, MD 20892.

Contact Person: Barbara Guest, Executive Secretary, Office of Liaison Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., Room 2202, Bethesda, MD 20892–8324, 301–496–0307, *guestb@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has institute stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/dclg/dclg.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1035 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, February 15, 2007, 12 p.m. to February 15, 2007, 6 p.m., National Institutes of Health, 6116 Executive Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on January 30, 2007, 72FR4276.

The meeting notice is changed to reflect the date change from February 15, 2007 to March 7, 2007. The meeting is closed to the public.

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1036 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel, Mechanisms of Immune Modulation.

Date: March 22–23, 2007.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hills Road, Bethesda, MD 20814.

Contact Person: Martina Schmidt, PhD, Scientific Review Administrator, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301–594–3456, *schmidma@mail.nih.gov*.

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1039 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEATLH AND HUMAN SERVICES

National Institutes of Health

National Center on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel, Loan Repayment

Program for Health Disparities (L60) and Clinical (L32) Research, (Renewals)—Panel A.

Date: April 8, 2007.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Dem 2, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lorrita Watson, PhD, National Center on Minority Health and Heath Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892–5465, (301) 402–1366, *watsonl@ncmhd.nih.gov.*

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1038 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, NEI Pathways to Independence Award (K99) applications.

Date: March 27, 2007.

Time: 10 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, 5635 Fishers Lane, Suite 1300, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, (301) 451–2020; *aes@nei.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS).

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1033 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, Study Investigators.

Date: March 19–20, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, (301) 402–0838.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1025 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Mental Health Special Emphasis Panel, March 12, 2007, 8 a.m. to March 12, 2007, 5 p.m. Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015 which was published in the **Federal Register** on February 13, 2007, 72 FR 6740.

The meeting will be held on the same date at the Embassy Suites at the Chevy Chase Pavilion and will end at 3 p.m. rather than 5 p.m. The meeting is closed to the public.

Dated: February 26, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1020 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group, Acquired Immunodeficiency Syndrome Research Review Committee, AIDS Research Review Committee (March 2007).

Date: March 22–23, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Erica L. Brown, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–2639. *ebrown@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1021 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID International Research in Infectious Disease (IRID) Program.

Date: March 21–23, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crown Plaza Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Gary S. Madonna, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496–3528, *gm12w@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Structural Genomics Centers for Infectious Disease.

Date: March 26–27, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Darren D. Sledjeski, PhD, Scientific Review Administrator, NIH/NIAID/DHHS, Scientific Review Program, 6700B Rockledge Drive, MSC–7616, Room 3131, Bethesda, MD 20892–7616, (301) 451–2638, *sledjeskid@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1024 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Implementation R25.

Date: March 12, 2007.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Mary C. Blehar, Scientific Review Administrator, Office of the Director, Neuroscience Center, 6001 Executive Blvd., Room 7216, MSC 9634, Bethesda, MD 20892–9634, 301–443–4491, *mblehar@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 26, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1026 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Cooperative Multicenter Reproductive Medicine Network.

Date: March 26–27, 2007.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd, Room 5B01, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1027 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, P01 JE REVIEW—Reproductive Genomics: Mutant Models for Infertility.

Date: March 26, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn by Marriott at Pentagon City, 550 Army Navy Drive, Arlington, VA 22202.

Contact Person: Dennis E. Leszczynski, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Rm. 5B01, Bethesda, MD 20892, (301) 435–6884, *leszczyd@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1028 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Rehabilitation Research Career Development Programs.

Date: March 27, 2007.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, MD 20892, 301–435–6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1029 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Service Conflicts.

Date: March 14, 2007.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Aileen Schulte, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Individual Fellowships.

Date: March 26, 2007.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Aileen Schulte, PhD, Scientific Review Administrator, Division for Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1031 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Partnerships into Therapeutics and Diagnostics for BioD Toxins.

Date: March 29–30, 2007.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Mirage I, Washington, DC 20007.

Contact Person: Lucy A. Ward, DVM, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramual Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSD 7616, Bethesda, MD 20892, (301) 594–6635, *lward@niaid.nihy.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1037 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Efficacy of Inventions to Promote Research Careers.

Date: March 18–19, 2007.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mona R. Trempe, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, (301) 594–3998, *trempemo@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Minority Biomedical Research Support.

Date: March 23, 2007.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3AN–18, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Brian R. Pike, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, (301) 594–3907, *pikbr@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Institutional National Research Service Award.

Date: March 30, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Arthur L. Zachary, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN–12, Bethesda, MD 20892, (301) 594–2886, *zacharya@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1040 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 5, 2007, 8 a.m. to March 6, 2007, 9 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on February 8, 2007, 72 FR 5985–5988.

The meeting will be held March 12, 2007 to March 13, 2007. The meeting time and location remain the same. The meeting is closed to the public.

Dated: February 27, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1022 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Dissemination and Implementation Research in Health.

Date: March 12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Steven H. Krosnick, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435–1712, *krosnics@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Therapeutics Delivery for Neurodegenerative Diseases.

Date: March 12, 2007

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Manfred Schubert, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–6781.

This notice is being published less than 15 days prior to the meeting due to the timing limitation imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 DIG F(02) M, XNDA Member Conflict.

Date: March 13, 2007.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ross M. Shayiq, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, KNOD Members Applications.

Date: March 15–16, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: William N. Elwood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3162, MSC 7770, Bethesda, MD 20892, (301) 435–1503, *elwoodwi@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, The Global Behavioral and Social Science Meeting.

Date: March 19–21, 2007.

Time: 8 a.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dan D. Gerendasy, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, (301) 594–6830, *gerendad@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hypersensitivity, Autoimmune, and Immune-mediated Diseases: Member Conflicts.

Date: March 27–28, 2007.

Time: 8 a.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, (301) 435–1222, *nigidas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Mechanisms of Neurodegeneration.

Date: March 29, 2007.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Toby Behar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892, (301) 435–4433, *behart@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Developmental Biology and Mineralization of the Dental and Craniofacial Sciences-A, Special Emphasis Panel.

Date: April 2, 2007.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tamizchelvi Thyagarajan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016K, MSC 7814, Bethesda, MD 20892, (301) 451–1327, *tthyagar@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 27, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1023 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Opportunistic Pathogens in AIDS.

Date: March 28, 2007.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Muscle Physiology.

Date: March 28, 2007.

Time: 1:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Angiogenesis.

Date: March 28, 2007.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Bukhtiar H. Shah, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095J, MSC 7822, Bethesda, MD 20892, (301) 435–1233, *shahb@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.844, 93.846–93.878, 93.892, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1030 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Institutes of Health Peer Review Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Institutes of Health Peer Review Advisory Committee.

Date: April 19, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: Provide technical and scientific advice to the Director, National Institutes of Health (NIH), the Deputy Director for Extramural Research, NIH and the Director, Center for Scientific Review (CSR), on matters relating broadly to review procedures and policies for the evaluation of scientific and technical merit of applications for grants and awards.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Rooms E1–E2, Bethesda, MD 20892.

Contact Person: Cheryl A. Kitt, PhD, Executive Secretary, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3030, MSC 7776, Bethesda, MD 20892, 301–435–1112, *kittc@csr.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted strigent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1032 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Semescence and Stem Cells.

Date: March 10, 2007.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: James Harwood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7840, Bethesda, MD 20892, 301–435–1256, *harwoodj@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1034 Filed 3–6–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker Permit

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 11 1.51), the following Customs broker permits are cancelled without prejudice.

Name	Permit No.	Issuing Port
HYC Logistics, Inc.	28–05–E69	San Francisco.
Braverman Enterprises, Inc.	200113	Los Angeles.
Martin, Kassatly & Company	13056–P	San Francisco.
Cornerstone Logistics, Inc.	17392–P	San Francisco.
Alfredo Mesa	52–04–B IC	Miami.
BLG, Inc.	081	New York.
Gallagher Transport International, Inc.	0158	St. Louis.
Exel Global Logistics, Inc.	3501–01–0063	Minneapolis.
Exel Global Logistics, Inc.	5398–001	Houston.
Exel Global Logistics, Inc.	26–01–006	Nogales.
Exel Global Logistics, Inc.	4979–P	San Francisco.
David II Kim Dba ACE American Express	94014	Los Angeles.
Charter Brokerage Corp.	53–03–U14	Houston.

Name	Permit No.	Issuing Port
William L. Crain	39–04–BGS	Chicago.

Dated: February 26, 2007.

Daniel Baldwin,

Assistant Commissioner, Office of International Trade.

[FR Doc. E7–4006 Filed 3–6–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker License Due to Death of the License Holder

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Notice is hereby given that, pursuant to Title 19 of the Code of Federal Regulations at section 111.51(a), the following individual Customs broker licenses and any and all permits have been cancelled due to the death of the broker:

Name	License #	Port name
Ernest W. Fowble.	03272	Seattle.
Solveij C. Owen.	5440	San Francisco.
Bernardo Quan Ng.	10052	Los Angeles.

Dated: February 26, 2007.

Daniel Baldwin,

Assistant Commissioner, Office of International Trade.

[FR Doc. E7–4024 Filed 3–6–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1685–DR]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–1685–DR), dated February 23, 2007, and related determinations.

EFFECTIVE DATE: February 23, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2007, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms and tornadoes during the period of February 12–13, 2007, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas, and any other forms of assistance under the Stafford Act that you deem appropriate. Direct Federal assistance is authorized. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. If Public Assistance is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Lee Champagne, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster:

Jefferson, Orleans, and St. Martin Parishes for Individual Assistance, including direct Federal assistance, if warranted.

Jefferson, Orleans, and St. Martin Parishes in the State of Louisiana are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7–3929 Filed 3–6–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3273–EM]

New York; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New York (FEMA–3273–EM), dated February 23, 2007, and related determinations.

EFFECTIVE DATE: February 23, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2007, the President declared an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the impact in certain areas of the State of New York resulting from the record snow and near record snow during the period of February 2–12, 2007, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such an emergency exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures, including snow removal, under the Public Assistance program to save lives and to protect property and public health and safety. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. This emergency assistance will be provided for any continuous 48-hour period during or proximate to the incident period. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for the sub-grantees' regular employees. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provide under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs in the designated areas. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, Department of Homeland Security, under Executive Order 12148, as amended, Marianne C. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared emergency:

Lewis, Oneida, and Oswego Counties for emergency protective measures (Category B), including snow removal, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7–3928 Filed 3–6–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1683–DR]

Oregon; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oregon (FEMA–1683–DR), dated February 22, 2007, and related determinations.

EFFECTIVE DATE: February 22, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 22, 2007, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Oregon resulting from a severe winter storm and flooding during the period of December 14–15, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Oregon.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Glen R. Sachtleben, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Oregon to have been affected adversely by this declared major disaster:

Benton, Clatsop, Columbia, Lincoln, Polk, Tillamook, Wheeler, and Yamhill Counties, and the Confederated Tribes of the Siletz Indians for Public Assistance.

All counties and tribal nations within the State of Oregon are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7–3933 Filed 3–6–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1684–DR]

Pennsylvania; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA–1684–DR), dated February 23, 2007, and related determinations.

EFFECTIVE DATE: February 23, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2007, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania resulting from severe storms and flooding during the period of November 16–17, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the Commonwealth, and any other forms of assistance under the Stafford Act that you deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Thomas P. Davies, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

Bradford, Lackawanna, Luzerne, Sullivan, Susquehanna, Wayne, and Wyoming Counties for Public Assistance.

All counties within the Commonwealth of Pennsylvania are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7–3930 Filed 3–6–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Revision of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I–821, Application for Temporary Protected Status; OMB Control Number 1615–0043.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until May 7, 2007.

Written comments and suggestions regarding the item(s) contained in this notice, and especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., 3rd Floor, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail please add the OMB Control Number 1615–0043 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of an existing information collection.

(2) *Title of the Form/Collection:* Application for Temporary Protected Status.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–821, U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individual or households. The information required on the Form I–821 is necessary in order for USCIS to make a determination that the applicant meets the TPS eligibility requirements and conditions.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 335,333 responses at 1 hour and 30 minutes (1.5 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 502,999 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., 3rd Floor, Suite 3008, Washington, DC 20529; Telephone No. 202–272–8377.

Dated: March 2, 2007.

Richard Sloan,

Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. E7–4018 Filed 3–6–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I–694, Notice of Appeal of Decision Under Section 210 or 245A of the Immigration and Nationality Act; OMB Control No. 1615–0034.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until May 7, 2007.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., 3rd Floor, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by E-mail please add the OMB Control No. 1615–0034 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Notice of Appeal of Decision Under Section 210 and 245A of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–694. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection will be used by USCIS in considering appeals of denials or termination of temporary and permanent residence status by legalization applicants and special agricultural workers, under sections 210 and 245A of the Immigration and Nationality Act, and related applications for waiver of grounds of inadmissibility.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,192 respondents at 30 Minutes (.50) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 596 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., 3rd Floor, Suite 3008, Washington, DC 20529; 202–272–8377.

Dated: March 2, 2007.

Richard Sloan,

Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. E7–4019 Filed 3–6–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Environmental Assessment/ Habitat Conservation Plan; Issuance of a Section 10(a)(1)(B) Permit for Incidental Take of the Houston toad in Bastrop County, Texas (Combs Lot 1)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of application.

SUMMARY: Lee Combs (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (TE–140983–0) pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended. The requested permit, which is for a period of five years, would authorize incidental take of the Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of commercial development on Lot 1, a 0.75-acre property located on Highway 71 in the Tahitian Village Subdivision, Bastrop County, Texas. We invite public comment.

DATES: To ensure consideration, written comments must be received on or before April 6, 2007.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the draft EA/HCP may obtain a copy by contacting Scott Rowin, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the Service's Austin office. Written data or comments concerning the application and draft EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Please refer to permit number TE–140983–0 when submitting comments. All comments received, including names and addresses, will become a part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Clayton Napier at the U.S. Fish and Wildlife Service Austin office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057) or by e-mail, *Clayton_Napier@fws.gov.*

SUPPLEMENTARY INFORMATION: The Applicant has applied to the Service for a Section 10(a)(1)(B) incidental take permit for a period of five years in order to gain authorization for incidental take of the Houston toad.

Section 9 of the Act prohibits the ''taking'' of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species that is incidental to, and not the purpose of, otherwise lawful activities.

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Applicant: The Applicant is proposing general commercial development and construction activities on Lot 1, a 0.75-acre property located on Highway 71 in the Tahitian Village Subdivision, Bastrop County, Texas. This action will eliminate up to 0.75 acres of Houston toad habitat and result in indirect impacts within the lot. The Applicant proposes to compensate for incidental take of the Houston toad by providing $2,250.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

David Yazzie,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. E7–4031 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–910–07–1990–EX]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement Updating Cumulative Effects Analysis for the Newmont Mining Corporation Leeville Project, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent (NOI).

SUMMARY: In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 and 43 CFR part 3809, the Bureau of Land Management (BLM), Elko Field Office will be preparing a Supplemental Environmental Impact Statement (SEIS) to update the cumulative effects analysis for Newmont Mining Corporation's Leeville gold mine in Elko County, Nevada. The project was authorized in 2002.

DATES: Public comments must be received in the Elko Field Office within 21 days after publication of this NOI in the **Federal Register**.

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

—*Fax:* (775) 753–0255

—*Mail:* Send to the attention of the Leeville Project Manager, BLM Elko Field Office, 3900 East Idaho Street, Elko, NV 89801

FOR FURTHER INFORMATION CONTACT: Deb McFarlane, Project Manager at the Elko Field Office, 3900 E. Idaho Street, Elko, NV 89801. Telephone: (775) 753–0200.

SUPPLEMENTARY INFORMATION: The BLM signed a Record of Decision (ROD) for Newmont Mining Corporation's Leeville Project, an underground gold mine located on the Carlin Trend in northeastern Nevada, on September 25, 2002. The Leeville Mine includes three main ore bodies located approximately 2,500 feet below ground surface. Newmont is authorized to construct ancillary mine facilities, including construction of five shafts to access the ore bodies, shaft hoists, waste rock disposal facility, refractory ore stockpiles, facilities to support mine dewatering, and facilities to support backfill operations. Surface disturbance totals 486 acres. Four years of legal review resulted in the United States Court of Appeals for the Ninth Circuit partially reversing the ROD. In response, the BLM will review and update the cumulative effects analyzed in Chapter 4 of the 2002 EIS and issue an SEIS along with a new ROD. The BLM is asking the public for information on any new or proposed projects within the cumulative effects areas which could contribute cumulative effects. We are also asking the public to review the cumulative effects areas as defined in the 2002 Leeville EIS. This EIS can be reviewed on or downloaded from the Elko BLM's Web page, *http://www.nv.blm.gov/elko.*

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the SEIS. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 17, 2007.

Danielle Yroz,

Associate Field Manager.

[FR Doc. E7–4071 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–910–07–1990–EX]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement Updating Cumulative Effects Analysis for the Newmont Mining Corporation South Operations Area Project Amendment, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent (NOI).

SUMMARY: In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 and 43 CFR part 3809, the Bureau of Land Management (BLM), Elko Field Office will be preparing a Supplemental Environmental Impact Statement (SEIS) to update the cumulative effects analysis for Newmont Mining Corporation's South Operations Area Project Amendment (SOAPA) gold mine in Elko County, Nevada. The project was authorized in 2002. The BLM is asking the public for information on any new or proposed projects within the cumulative effects areas which could contribute cumulative effects. We are also asking the public to review the cumulative effects areas as defined in the 2002 SOAPA EIS. This EIS can be reviewed on or downloaded from the Elko BLM's Web page, *http://www.nv.blm.gov/elko.*

DATES: Comments must be received in the Elko Field Office within 21 days after publication of this NOI in the **Federal Register**.

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

—*Fax:* (775) 753–0255

—*Mail:* Send to the attention of the South Operations Area Project Amendment Project Manager, BLM Elko Field Office, 3900 East Idaho Street, Elko, NV 89801

FOR FURTHER INFORMATION CONTACT: Deb McFarlane, Project Manager at the Elko Field Office, 3900 E. Idaho Street, Elko, NV 89801. Telephone: (775) 753–0200.

SUPPLEMENTARY INFORMATION: The BLM signed a Record of Decision (ROD) for Newmont Mining Corporation's South Operations Area Project Amendment located on the Carlin Trend in northeastern Nevada, on July 26, 2002. That ROD authorized Newmont to mine an additional 350 feet below what had been previously authorized and to expand 139 acres aerially, to expand waste rock disposal facilities and leach facilities, to continue dewatering and ground water discharge to Maggie Creek, and to construct associated ancillary facilities.

Four years of legal review resulted in the United States Court of Appeals for the Ninth Circuit partially reversing the ROD. In response, the BLM will review and update the cumulative effects analyzed in Chapter 4 of the 2002 EIS and issue a SEIS, along with a new ROD.

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the SEIS. 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 or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

Dated: January 17, 2007.

Danielle Yroz,

Associate Field Manager.

[FR Doc. E7–4078 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–01–134–1220–241A]

Notice of Public Meetings, McInnis Canyons National Conservation Area Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meetings.

SUMMARY: The McInnis Canyons National Conservation Area (MCNCA) Advisory Council will hold four meetings, scheduled on March 22, 2007; June 21, 2007; September 20, 2007; and December 13, 2007. The meeting will begin at 4 p.m. and will be held at the Mesa County Administration Building; 544 Rood Avenue, Grand Junction, CO.

DATES: The meetings will be held on March 22, 2007; June 21, 2007; September 20, 2007; and December 13, 2007.

ADDRESSES: For further information or to provide written comments, please contact the Bureau of Land Management (BLM), 2815 H Road, Grand Junction, Colorado 81506; (970) 244–3000.

SUPPLEMENTARY INFORMATION: The McInnis Canyons National Conservation Area was established on October 24, 2000 when the President signed the Colorado Canyons National Conservation Area and Black Ridge Wilderness Act of 2000 (Act). The Act required that an Advisory Council be established to provide advice in the preparation and implementation of the Resource Management Plan. The NCA name was congressionally changed at the end of 2004 from Colorado Canyons National Conservation Area to McInnis Canyons National Conservation Area (MCNCA).

The MCNCA Advisory Council will meet on Thursday, March 22, 2007; Thursday, June 21, 2007; Thursday, September 20, 2007; and Thursday, December 13, 2007; at the Mesa County Administration Building, 544 Rood Avenue, Grand Junction, Colorado, beginning at 4 p.m. The agenda topics for the March meeting are:

(1) Report on 2006 River Management program
(2) Camping Needs in Rabbit Valley
(3) Managers Update
(4) Advisory Council field trip schedules
(5) Public Comment period
(6) Set tentative Agenda for next meeting

Topics pertaining to all other meetings will be similar in nature. All meetings will be open to the public and will include a time set aside for public comment. Interested persons may make oral statements at the meetings or submit written statements at any meeting. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak. Summary minutes for all Council meetings will be maintained at the Bureau of Land Management Office in Grand Junction, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting. In addition, minutes and other information concerning the MCNCA Advisory Council can be obtained from the MCNCA Web site at: *http://www.co.blm.gov/mcnca/index.htm*, which will be updated following each Advisory Council meeting.

Dated: February 28, 2007.

Paul H. Peck,

Manager, McInnis Canyons National Conservation Area.

[FR Doc. 07–1052 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW151267]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Windsor Wyoming LLC, Discovery Exploration, Inc., Krislen Energy, LC, and The Dean Sanditen Marital Trust for competitive oil and gas lease WYW151267 for land in Park County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessees have agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessees have paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW151267 effective October 1, 2006, under the original terms and conditions of the lease and the

increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. E7–4093 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–150–1610–DU]

Notice of Intent To Amend Uncompahgre Basin and San Juan/San Miguel Resource Management Plans and Prepare the Dry Creek Comprehensive Travel Management Plan, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: This document provides notice that the Bureau of Land Management (BLM) Uncompahgre Field Office, Montrose, Colorado proposes to initiate a comprehensive planning effort that would amend the Uncompahgre Basin and San Juan/San Miguel Resource Management Plans (RMPs) to address travel management within the Field Office until a Resource Management Plan Revision can be completed.

DATES: This notice initiates the public scoping process. Comments and resource information should be submitted to the BLM within 45 days of publication of this notice in the **Federal Register**. Public meetings will be held during the plan scoping period. All public meetings will be announced through the local news media and notices will be provided at least two weeks prior to the event.

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

- *Mail:* Bureau of Land Management, Uncompahgre Field Office, *ATTN:* Travel Management, 2465 S. Townsend Ave., Montrose, Colorado 81401.
- *Fax:* 970–240–5368.
- *E-mail: cotmpufo@blm.gov.*

Documents pertinent to this proposal may be examined at the Uncompahgre Field Office (UFO) or on the Field Office Web site (*http://www.co.blm.gov/ubra/index.html*). Comments, including names and street addresses of respondents, will be available for public review at the UFO during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except holidays, and may be published as part of the Environmental Assessment. 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 or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Julie Stotler, Uncompahgre Field Office, at (970) 240–5310. Comments may be sent electronically to *cotmpufo@blm.gov.*

SUPPLEMENTARY INFORMATION: In response to recommendations made by the Southwest Resource Advisory Council and other concerned individuals, clubs, and organizations, the BLM proposes to change the existing ''Open'' designation to ''Limited to Existing'' for all public lands administered by the field office. In addition, the BLM is proposing a comprehensive travel management plan establishing a transportation system of designated roads and trails within the Dry Creek area.

The proposed action does not affect:

- Travel decisions in the Gunnison Gorge National Conservation Area.
- North Delta OHV Play Area, which will be addressed in subsequent travel management planning.
- Gunnison Travel Interim Restrictions Plan Amendment area, which will be addressed in subsequent travel management planning.
- Other designations such as ''Limited to Existing'' and ''Limited to Designated'' areas in the RMPs. These areas will be addressed in subsequent travel management planning.

Preliminary issues and management concerns have been identified by BLM personnel, other agencies, and in meetings with individuals and user groups. They represent the BLM's knowledge to date on the existing issues and concerns with current management. Some of these issues and concerns include:

- Impacts to other public land users and adjacent private landowners;
- Impacts to wildlife habitat;
- Impacts to water quality, cultural sites, vegetation, including riparian and wetland areas, and soils; and
- Identification of recreational opportunities.

These issues, along with others that may be identified through public participation, will be considered in the planning process. The public is encouraged to help identify issues and concerns during the scoping phase. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis and management alternatives. These issues will also guide the planning process. You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or by using one of the methods listed in the **ADDRESSES** section above. The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed.

An interdisciplinary approach will be used to develop the plan amendment in order to consider the variety of resource issues and concerns identified. Disciplines involved in the planning process will include specialists with expertise in rangeland management, outdoor recreation, law enforcement, archaeology, wildlife and fisheries, lands and realty, hydrology, soils, and vegetation. Notification of the planning process will be made to the Governor of Colorado, County Commissioners, local tribes, and potentially affected members of the public.

Barbara Sharrow,

Field Manager, Uncompahgre Field Office.

[FR Doc. E7–4089 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–923–1430–ET; COC–38723]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior proposes to extend the duration of Public Land Order (PLO) No. 6733 for an additional 20-year period. PLO No. 6733 withdrew 100 acres of National Forest System land in Gunnison County, Colorado, from location and entry under

the general mining laws for the protection of the Bureau of Reclamation Silver Jack Recreation Area. This notice gives the public an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by June 5, 2007.

ADDRESSES: Comments and meeting requests should be sent to the State Director, Colorado State Office, Bureau of Land Management (BLM), 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

FOR FURTHER INFORMATION CONTACT: John D. Beck, Branch of Lands and Realty, Colorado State Office, at 303–239–3882.

SUPPLEMENTARY INFORMATION: The withdrawal created by PLO No. 6733 (54 FR 30213) will expire July 18, 2009, unless extended by the Secretary of the Interior pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714. The public land withdrew 100 acres of National Forest land from the mining laws to protect the BOR Silver Jack Recreation Area. A legal description of the subject land can be found in the published public land order, and if requested, copies of the order will be provided by the BLM, Colorado State Office.

As extended, the withdrawal would not alter the applicability of those land laws governing the use of the land under lease, license, or permit, or governing the disposal of the mineral or vegetative resources other than under the mining laws.

The use of a right-of-way or a cooperative agreement would not provide adequate protection of the Federal investment in the area.

There are no suitable alternative sites as the described lands contain the facilities and resource values in need of protection. The withdrawal would not displace any existing uses.

Water rights will not be needed to fulfill the purpose of the requested withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal extension may present their views in writing to the BLM, Colorado State Director at the address above. Comments, including names and street addresses of respondents, will be available for public review during regular business hours at the BLM Colorado State Office. Relevant BLM records as to the BOR application and comments, including names and street addresses of respondents, will be available for public review during regular business hours at the BLM Colorado State Office. Individuals may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal extension must submit a written request to the BLM Colorado State Director at the address given above within 90 days from the publication of this notice. If the authorized officer determines a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The withdrawal extension application will be processed in accordance with the regulations set forth in 43 CFR 2310.4.

(Authority: 43 CFR 2310.3–l (a)).

Dated: December 15, 2006.

John D. Beck,

Chief, Branch of Lands and Realty.

Editorial Note: This document was received at the Office of the Federal Register on March 2, 2007.

[FR Doc. E7–4069 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010–0120).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The title of this information collection request (ICR) is ''30 CFR Part 206—Product Valuation, Subparts F and J; Part 210—Forms and Reports, Subparts E and H; and Part 218—Collection of Royalties, Rentals, Bonuses and Other Monies Due the Federal Government, Subpart E.'' We changed the title of this ICR to clarify the regulatory language we are covering under 30 CFR parts 206, 210, and 218 and to reflect OMB consolidation approval of two solid mineral-related ICRs. Those ICRs were titled:

- 1010–0074: 30 CFR Part 206—Product Valuation, Subpart J—Indian Coal (Forms MMS–4292, Coal Washing Allowance Report, and MMS–4293, Coal Transportation Allowance Report); and
- 1010–0120: 30 CFR Part 206, Subpart F—Federal Coal and Subpart J—Indian Coal; Part 210, Subpart B—Oil, Gas, and OCS Sulfur—General, Subpart E—Solid Minerals, General, Subpart H—Geothermal Resources; Part 218, Subpart B—Oil and Gas, General, Subpart E—Solid Minerals—General (Form MMS–4430, Solid Minerals Production and Royalty Report).

In the two ICRs, much of the general information was repeated and cross referenced. This consolidated ICR 1010–0120 eliminates that duplication of effort and redundancy of data and also provides for review of all solids and geothermal information collection requirements on a MMS Solids and Geothermal Compliance and Asset Management program-wide basis. The current ICR does not expire until October 31, 2007 and has a total of 1,751 burden hours as of OMB Notice of Change dated December 9, 2005, which consolidated the burden hours from ICRs 1010–0074 and 1010–0120.

DATES: Submit written comments on or before May 7, 2007.

ADDRESSES: Submit written comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. If you use an overnight courier service or wish to hand-carry your comments, our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling Blvd., Denver, Colorado 80225. You may also e-mail your comments to us at *mrm.comments@mms.gov.* Include the title of the information collection and the OMB control number in the ''Attention'' line of your comment. Also include your name and return address. If you do not receive a confirmation that we have received your e-mail, contact Ms. Gebhardt at (303) 231–3211.

FOR FURTHER INFORMATION CONTACT: Sharron L. Gebhardt, telephone (303) 231–3211, FAX (303) 231–3781, or e-mail *sharron.gebhardt@mms.gov.*

SUPPLEMENTARY INFORMATION: *Title:* 30 CFR Part 206—Product Valuation, Subparts F and J; Part 210—Forms and Reports, Subparts E and H; and Part 218—Collection of Royalties, Rentals, Bonuses and Other Monies Due the Federal Government, Subpart E.

OMB Control Number: 1010–0120.

Bureau Form Numbers: Forms MMS–4430, MMS–4292, and MMS–4293.

Abstract: The Secretary of the U.S. Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands. The Secretary is required by various laws to manage mineral resources production on Federal and Indian lands, collect the royalties due, and distribute the funds in accordance with those laws. The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the royalty management functions and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

Minerals produced from Federal and Indian leases vary greatly in the nature of occurrence, production and processing methods, and markets served. Also, lease terms, statutory requirements, and regulations vary significantly among the different minerals.

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share (royalty) of the value received from production from the leased lands. The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data reported to private and public mineral interest owners and is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. The information collected includes data necessary to ensure that the royalties are accurately valued and appropriately paid.

Applicable citations of the laws pertaining to mineral leases on Federal and Indian lands include: 25 U.S.C. 2103, Indian Mineral Development Act of 1982; 30 U.S.C. 189, Leases and Prospecting Permits; 30 U.S.C. 359, Lease of Mineral Deposits within Acquired Lands; 25 U.S.C. 396d, Chapter 12—Lease, Sale, or Surrender of Allotted or Unallotted Lands; 30 U.S.C. 1001, 1002, Geothermal Steam and Associated Steam Resources; and 43 U.S.C. 1334, Outer Continental Shelf Lands Act.

Applicable Code of Federal Regulations (CFR) include 30 CFR part 206, subparts F and J; part 210, subparts E and H; and part 218, subpart E. Forms associated with this ICR are Forms MMS–4430, Solid Minerals Production and Royalty Report; MMS–4292, Coal Washing Allowance Report; and MMS–4293, Coal Transportation Allowance Report.

Governing citations require the lessees, operators, or other directly involved persons to accurately submit solid minerals royalty and production data and provide additional reasonable information as defined by the Secretary regarding solid minerals production. This ICR provides for the collection of solid minerals royalty and production information on Form MMS–4430 and on other associated data formats such as associated sales summaries, facility data, sales contracts, payment information, as well as additional documents described below. The current information collection requirements (1) Provide MMS with the ability to verify that revenue due the Federal Government is accurately reported and correctly paid under applicable laws, regulations, and lease terms; and (2) support the fulfillment of our trust, financial and compliance mission requirements. It also provides MMS with the ability to timely disburse mineral revenues to the correct recipients. We encourage electronic submission by way of attachments to e-mail messages from Federal reporters only; however, hard-copy submissions are allowed from both Federal and Indian reporters. \

Specific lease language varies. However, respondents agree by the lease terms to furnish statements providing the details of all solid minerals operations conducted on a Federal or Indian lease and the quantity and quality of all production from the lease at such times and in such form as the Secretary may prescribe.

The MMS, acting for the Secretary, uses all of the collected information to support the Compliance and Asset Management (CAM) and Financial Management (FM) processes, and to assure that royalties reported and paid are based upon correct product valuation. The MMS uses the collected information, as do other Federal Government, state and tribal entities, for audit purposes and to evaluate the reasonableness of product valuation or allowance claims submitted by lessees. Specifically, MMS provides the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) access to this information, which they use to conduct production verification, ensure lease diligence, and monitor plant efficiencies and inventories for maximum recovery, and secondary products. The determination of the appropriate product value or allowance rate directly affects the royalties due. Failure to collect such data would prevent the Secretary from accomplishing statutory and trust responsibilities.

Form MMS–4430, Solid Minerals Production and Royalty Report—Producers of coal and other solid minerals from Federal and Indian leases electronically file this form monthly. The form contains basic lease-level volume and valuation information. Additionally, the form collects non-Federal production information from mines.

- *Contracts and Contract Amendments*—Coal and metal producers submit sales contracts, agreements, and contract amendments semi-annually. Sodium, potassium, phosphate, and other solid mineral producers, with leases containing ad valorem royalty terms, submit the required documents only if specifically requested to do so by MMS.
- *Sales Summary*—The CAM process compares sales summary information from purchasers to Form MMS–4430 and facility data.
- *Facility Data*—Operators of wash plants and of refining, ore concentration, or other processing facilities for any coal, sodium, potassium, metals, or other solid minerals submit facility data information for months in which they process or carry an inventory.
- *Additional Documents or Evidence*—The MMS requests detailed statements, documents, or other evidence supporting our CAM responsibilities under Federal and Indian lease terms. Spot sale invoices, weigh tickets, laboratory quality reports, transportation contracts, and service contracts are all examples of additional documents we might request. The information might further define a cost or verify a claim made by the producer.
- *Payment Information*—The MMS collects payment data to use in the Financial Management process.

Form MMS–4292—Coal Washing Allowance Report and Form MMS–4293—Coal Transportation Allowance

Report—This ICR also provides for the collection of coal washing and transportation information for Indian leases. The information collected is essential for the royalty valuation process.

We developed Forms MMS–4292, Coal Washing Allowance Report, and MMS–4293, Coal Transportation Allowance Report, for industry to complete when reporting or requesting a washing or transportation allowance.

Summary—The information we collect under this ICR is essential for the royalty valuation process. Not collecting this information would limit the Secretary's ability to discharge fiduciary duties and may also result in the inability to confirm the accurate royalty value.

Proprietary information submitted to MMS under this collection is protected. No items of a sensitive nature are collected. The requirement to respond is mandatory for Form MMS–4430. A response is required to obtain benefits for Forms MMS–4292 and MMS–4293.

Frequency of Response: On occasion, annually, monthly.

Estimated Number and Description of Respondents: 149 reporters.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 1,778 hours.

We are revising this ICR to include reporting requirements from part 206 citations that were overlooked in the previous renewal and reporting requirements for ICR 1010–0074 that were added to this information collection. We have not included in our estimates certain requirements performed in the normal course of business and considered usual and customary. The following chart shows the estimated burden hours by CFR section and paragraph:

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	Part 206—Product Valuation Subpart F—Federal Coal			
206.253(c)	**Coal subject to royalties—general provisions** (c) * * * The lessee shall maintain accurate records to determine to which individual Federal lease coal in the waste pit or slurry pond should be allocated * * *.	Hour burden covered under § 206.254.		
206.254	**Quality and quantity measurement standards for reporting and paying royalties**. * * * Coal quantity information shall be reported on appropriate forms required under 30 CFR part 216 and on the Solid Minerals Production and Royalty Report, Form MMS–4430, as required under 30 CFR part 210.	.4166	816	340
206.257(b)(1)	**Valuation standards for ad valorem leases** (b)(1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length * * *.	AUDIT PROCESS See Note.		
206.257(b)(3)	(b)(3) * * * When MMS determines that the value may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's reported coal value.	AUDIT PROCESS See Note.		
206.257(b)(4)	(b)(4) The MMS may require a lessee to certify that its arm's-length contract provisions include all of the consideration to be paid by the buyer, either directly or indirectly, for the coal production.	AUDIT PROCESS See Note.		
206.257(d)(1)	(d)(1) Where the value is determined pursuant to paragraph (c) of this section, that value does not require MMS's prior approval. However, the lessee shall retain all data relevant to the determination of royalty value.	Hour burden covered under § 206.254.		
206.257(d)(2)	(d)(2) Any Federal lessee will make available upon request to the authorized MMS or State representatives, to the Inspector General of the Department of the Interior or other persons authorized to receive such information, arm's-length sales value and sales quantity data for like-quality coal sold, purchased, or otherwise obtained by the lessee from the area.	AUDIT PROCESS See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.257(d)(3)	(d)(3) A lessee shall notify MMS if it has determined value pursuant to paragraphs (c)(2)(ii), (iii), (iv), or (v) of this section * * *. The letter shall identify the valuation method to be used and contain a brief description of the procedure to be followed. The notification required by this section is a one-time notification due no later than the month the lessee first reports royalties on the Form MMS–4430 * * * and each time there is a change * * *.	2	1	2
206.257(f)	(f) The lessee may request a value determination from MMS. In that event, the lessee shall propose to MMS a value determination method, and may use that method in determining value for royalty purposes until MMS issues its decision. The lessee shall submit all available data relevant to its proposal * * *.	5	1	5
206.257(i)	(i) * * * Contract revisions or amendments shall be in writing and signed by all parties to an arm's-length contract, and may be retroactively applied to value for royalty purposes for a period not to exceed two years, unless MMS approves a longer period * * *.	2	1	2
206.259(a)(1)	**Determination of washing allowances** (a) *Arm's-length contracts.* (1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length * * *.	AUDIT PROCESS See Note.		
206.259(a)(1)	(a)(1) * * * the washing allowance shall be the reasonable actual costs incurred by the lessee for washing the coal * * *.	.34	12	4
206.259(a)(3)	(a)(3) * * * When MMS determines that the value of the washing may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's washing costs.	AUDIT PROCESS See Note.		
206.259(b)(1)	(b) *Non-arm's-length or no contract.* (1) * * * the washing allowance will be based upon the lessee's reasonable actual costs * * *.	.75	48	36
206.259(b)(2)(iv)	(b)(2)(iv) A lessee may use either paragraph (b)(2)(iv)(A) or (B) of this section. After a lessee has elected to use either method for a wash plant, the lessee may not later elect to change to the other alternative without approval of the MMS.	1	1	1
206.259(b)(2)(iv)(A)	(b)(2)(iv)(A) To compute depreciation, the lessee may elect to use either a straight-line depreciation method based on the life of equipment or on the life of the reserves which the wash plant services, whichever is appropriate, or a unit of production method. After an election is made, the lessee may not change methods without MMS approval.	1	1	1
206.259(c)(1)(i)	(c) *Reporting requirements*—(1) *Arm's-length contracts.* (i) The lessee must notify MMS of an allowance based on incurred costs by using a separate line entry on the Form MMS–4430.	Hour burden covered under § 210.201.		
206.259(c)(1)(ii)	(c)(1)(ii) The MMS may require that a lessee submit arm's-length washing contracts and related documents * * *.	AUDIT PROCESS See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.259(c)(2)(i)	(c) *Reporting requirements*—* * * (2) *Non-arm's-length or no contract.* (i) The lessee must notify MMS of an allowance based on the incurred costs by using a separate line entry on the Form MMS–4430.	Hour burden hours covered under § 210.201.		
206.259(c)(2)(iii)	(c)(2) *Non-arm's-length or no contract* * * * (iii) Upon request by MMS, the lessee shall submit all data used to prepare the allowance deduction* * *.	AUDIT PROCESS See Note.		
206.259(e)(2)	(e) *Adjustments.* (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		
206.262(a)(1)	**Determination of transportation allowances** ..... (a) *Arm's-length contracts.* (1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length* * *.	AUDIT PROCESS See Note.		
206.262(a)(1)	(a)(1) * * * the transportation allowance shall be the reasonable, actual costs incurred by the lessee for transporting the coal * * *.	.34	240	82
206.262(a)(3)	(a)(3) * * * When MMS determines that the value of the transportation may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's transportation costs.	AUDIT PROCESS See Note.		
206.262(b)(1)	(b) *Non-arm's-length or no contract.*—(1) * * * the transportation allowance will be based upon the lessee's reasonable actual costs * * *.	.75	24	18
206.262(b)(2)(iv)	(b)(2)(iv) * * * After a lessee has elected to use either method for a transportation system, the lessee may not later elect to change to the other alternative without approval of the MMS.	1	1	1
206.262(b)(2)(iv)(A)	(b)(2)(iv)(A) * * * After an election is made, the lessee may not change methods without MMS approval * * *.	1	1	1
206.262(b)(3)	(b)(3) A lessee may apply to MMS for exception from the requirement that it compute actual costs in accordance with paragraphs (b)(1) and (b)(2) of this section * * *.	1	1	1
206.262(c)(1)(i)	(c) *Reporting requirements*—(1) *Arm's-length contracts.* (i) The lessee must notify MMS of an allowance based on incurred costs by using a separate line entry on the Form MMS–4430.	Hour burden covered under § 210.201.		
206.262(c)(1)(ii)	(c)(1)(ii) The MMS may require that a lessee submit arm's-length transportation contracts, production agreements, operating agreements, and related documents * * *.	AUDIT PROCESS See Note.		
206.262(c)(2)(i)	(c)(2) *Non-arm's-length or no contract.* (i) The lessee must notify MMS of an allowance based on the incurred costs by using a separate line entry on Form MMS–4430.	Burden hours covered under § 210.201.		
206.262(c)(2)(iii)	(c)(2)(iii) Upon request by MMS, the lessee shall submit all data used to prepare the allowance deduction * * *.	AUDIT PROCESS See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.262(e)(2)	(e) *Adjustments* * * * (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payments, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		
206.264	**In-situ and surface gasification and liquefaction operations**. If an ad valorem Federal coal lease is developed by in-situ or surface gasification or liquefaction technology, the lessee shall propose the value of coal for royalty purposes to MMS. The MMS will review the lessee's proposal and issue a value determination. The lessee may use its proposed value until MMS issues a value determination.	1	1	1
206.265	**Value enhancement of marketable coal** ..... If, prior to use, sale, or other disposition, the lessee enhances the value of coal after the coal has been placed in marketable condition in accordance with § 206.257(h) of this subpart, the lessee shall notify MMS that such processing is occurring or will occur.	1	1	1
	Subpart J—Indian Coal			
206.452(c)	**Coal subject to royalties—general provisions** ..... (c) * * * The lessee shall maintain accurate records to determine to which individual Indian lease coal in the waste pit or slurry pond should be allocated * * *.	Hour burden covered under § 206.453.		
206.453	**Quality and quantity measurement standards for reporting and paying royalties**. * * * Coal quantity information shall be reported on appropriate forms required under 30 CFR part 216 and on the Solid Minerals Production and Royalty Report, Form MMS–4430, as required under 30 CFR part 210.	.42	48	20
206.456(b)(1)	**Valuation standards for ad valorem leases** ..... (b)(1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length * * *.	AUDIT PROCESS See Note.		
206.456(b)(3)	(b)(3) * * * When MMS determines that the value may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's reported coal value.	AUDIT PROCESS See Note.		
206.456(b)(4)	(b)(4) MMS may require a lessee to certify that its arm's-length contract provisions include all of the consideration to be paid by the buyer, either directly or indirectly, for the coal production.	AUDIT PROCESS See Note.		
206.456(d)(1)	(d)(1) Where the value is determined pursuant to paragraph (c) of this section, that value does not require MMS' prior approval. However, the lessee shall retain all data relevant to the determination of royalty value.	Hour burden covered under § 206.453.		
206.456(d)(2)	(d)(2) An Indian lessee will make available upon request to the authorized MMS or Indian representatives, or to the Inspector General of the Department of the Interior or other persons authorized to receive such information, arm's-length sales and sales quantity data for like-quality coal sold, purchased, or otherwise obtained by the lessee from the area.	AUDIT PROCESS See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.456(d)(3)	(d)(3) A lessee shall notify MMS if it has determined value pursuant to paragraphs (c)(2)(ii), (c)(2)(iii), (c)(2)(iv), or (c)(2)(v) of this section * * *. The letter shall identify the valuation method to be used and contain a brief description of the procedure to be followed.	1	1	1
206.456(f)	(f) The lessee may request a value determination from MMS. In that event, the lessee shall propose to MMS a value determination method, and may use that method in determining value for royalty purposes until MMS issues its decision. The lessee shall submit all available data relevant to its proposal.	1	1	1
206.456(i)	(i) * * * Contract revisions or amendments shall be in writing and signed by all parties to an arm's-length contract, and may be retroactively applied to value for royalty purposes for a period not to exceed two years, unless MMS approves a longer period.	1	1	1
206.458(a)(1)	**Determination of washing allowances** (a) *Arm's-length contracts.* (1) * * * the washing allowance shall be the reasonable actual costs incurred by the lessee for washing the coal * * *. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS–4292, Coal Washing Allowance Report, in accordance with paragraph (c)(1) of this section. A washing allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4292 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee.	2	1	2
206.458(a)(3)	(a)(3) When MMS determines that the value of the washing may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's washing costs.	AUDIT PROCESS See Note.		
206.458(b)(1)	(b) *Non-arm's-length or no contract.* (1) * * * the washing allowance will be based upon the lessee's reasonable actual costs * * *. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS–4292 in accordance with paragraph (c)(2) of this section. A washing allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4292 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee * * *.	Hour burden covered under § 206.458(a)(1).		
206.458(b)(2)(iv)	(b)(2)(iv) * * * After a lessee has elected to use either method for a wash plant, the lessee may not later elect to change to the other alternative without approval of MMS.	1	1	1
206.458(b)(2)(iv)(A)	(b)(2)(iv)(A) To compute depreciation, the lessee may elect to use either a straight-line depreciation method based on the life of equipment or on the life of the reserves which the wash plant services, whichever is appropriate, or a unit of production method. After an election is made, the lessee may not change methods without MMS approval.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.458(c)(1)(i)	(c) *Reporting requirements.* (1) *Arm's-length contracts.* (i) With the exception of those washing allowances specified in paragraphs (c)(1)(v) and (c)(1)(vi) of this section, the lessee shall submit page one of the initial Form MMS–4292 prior to, or at the same time, as the washing allowance determined pursuant to an arm's-length contract is reported on Form MMS–4430, Solid Minerals Production and Royalty Report * * *.	Hour burden covered under § 206.458(a)(1).		
206.458(c)(1)(iii)	(c)(1)(iii) After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS–4292 within 3 months after the end of the calendar year, or after the applicable contract or rate terminates or is modified or amended, whichever is earlier, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	Hour burden covered under § 206.458(a)(1).		
206.458(c)(1)(iv)	(c)(1)(iv) MMS may require that a lessee submit arm's-length washing contracts and related documents * * *.	AUDIT PROCESS See Note.		
206.458(c)(2)(i)	(c)(2) *Non-arm's-length or no contract.* (i) With the exception of those washing allowances specified in paragraphs (c)(2)(v) and (c)(2)(vii) of this section, the lessee shall submit an initial Form MMS–4292 prior to, or at the same time as, the washing allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS–4430, Solid Minerals Production and Royalty Report * * *.	Hour burden covered under § 206.458(a)(1).		
206.458(c)(2)(iii)	(c)(2)(iii) For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS–4292 containing the actual costs for the previous reporting period. If coal washing is continuing, the lessee shall include on Form MMS–4292 its estimated costs for the next calendar year * * *. Form MMS–4292 must be received by MMS within 3 months after the end of the previous reporting period, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	Hour burden covered under § 206.458(a)(1).		
206.458(c)(2)(vi)	(c)(2)(vi) Upon request by MMS, the lessee shall submit all data used by the lessee to prepare its Forms MMS–4292 * * *.	AUDIT PROCESS See Note.		
206.458(c)(4)	(c)(4) Washing allowances must be reported as a separate line on the Form MMS–4430, unless MMS approves a different reporting procedure.	Hour burden covered under § 210.201.		
206.458(e)(2)	(e) *Adjustments.* (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.461(a)(1)	**Determination of transportation allowances** (a) *Arm's-length contracts.* (1) * * * the transportation allowance shall be the reasonable, actual costs incurred by the lessee for transporting the coal * * *. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS–4293, Coal Transportation Allowance Report, in accordance with paragraph (c)(1) of this section. A transportation allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4293 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee.	2	1	2
206.461(a)(3)	(a) *Arm's-length contracts.* (3) * * * When MMS determines that the value of the transportation may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's transportation costs.	AUDIT PROCESS See Note.		
206.461(b)(1)	(b) *Non-arm's-length or no contract.* (1) * * * the transportation allowance will be based upon the lessee's reasonable actual costs * * *. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS–4293 in accordance with paragraph (c)(2) of this section. A transportation allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4293 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee * * *.	Hour burden covered under § 206.461(a)(1).		
206.461(b)(2)(iv)	(b)(2)(iv) * * * After a lessee has elected to use either method for a transportation system, the lessee may not later elect to change to the other alternative without approval of MMS.	1	1	1
206.461(b)(2)(iv)(A)	(b)(2)(iv)(A) To compute depreciation, the lessee may elect to use either a straight-line depreciation method based on the life of equipment or on the life of the reserves which the transportation system services, whichever is appropriate, or a unit of production method. After an election is made, the lessee may not change methods without MMS approval.	1	1	1
206.461(b)(3)	(b)(3) A lessee may apply to MMS for exception from the requirement that it compute actual costs in accordance with paragraphs (b)(1) and (b)(2) of this section.	1	1	1
206.461(c)(1)(i)	(c) *Reporting requirements.* (1) *Arm's-length contracts.* (i) With the exception of those transportation allowances specified in paragraphs (c)(1)(v) and (c)(1)(vi) of this section, the lessee shall submit page one of the initial Form MMS–4293 prior to, or at the same time as, the transportation allowance determined pursuant to an arm's-length contract is reported on Form MMS–4430, Solid Minerals Production and Royalty Report.	Hour burden covered under § 206.461(a)(1).		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.461(c)(1)(iii)	(c)(1)(iii) After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS–4293 within 3 months after the end of the calendar year, or after the applicable contract or rate terminates or is modified or amended, whichever is earlier, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period). Lessees may request special reporting procedures in unique allowance reporting situations, such as those related to spot sales.	Hour burden covered under § 206.461(a)(1).		
206.461(c)(1)(iv)	(c)(1)(iv) MMS may require that a lessee submit arm's-length transportation contracts, production agreements, operating agreements, and related documents * * *.	AUDIT PROCESS See Note.		
206.461(c)(2)(i)	(c)(2) *Non-arm's-length or no contract.* (i) With the exception of those transportation allowances specified in paragraphs (c)(2)(v) and (c)(2)(vii) of this section, the lessee shall submit an initial Form MMS–4293 prior to, or at the same time as, the transportation allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS–4430, Solid Minerals Production and Royalty Report * * *.	Hour burden covered under § 206.461(a)(1).		
206.461(c)(2)(iii)	(c)(2)(iii) For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS–4293 containing the actual costs for the previous reporting period * * *. Form MMS–4293 must be received by MMS within 3 months after the end of the previous reporting period, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	Hour burden covered under § 206.461(a)(1).		
206.461(c)(2)(vi)	(c)(2)(vi) Upon request by MMS, the lessee shall submit all data used to prepare its Form MMS–4293 * * *.	AUDIT PROCESS See Note.		
206.461(c)(4)	(c)(4) Transportation allowances must be reported as a separate line item on Form MMS–4430, unless MMS approves a different reporting procedure.	Hour burden covered under § 210.201.		
206.461(e)(2)	(e) *Adjustments.* (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		
206.463	**In-situ and surface gasification and liquefaction operations**. If an ad valorem Federal coal lease is developed by in-situ or surface gasification or liquefaction technology, the lessee shall propose the value of coal for royalty purposes to MMS * * *.	1	1	1
206.464	**Value enhancement of marketable coal** ..... If, prior to use, sale, or other disposition, the lessee enhances the value of coal after the coal has been placed in marketable condition in accordance with § 206.456(h) of this subpart, the lessee shall notify MMS that such processing is occurring or will occur * * *.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	Part 210—Forms and Reports **Subpart E—Solid Minerals, General**			
210.201(a)(1)	**How do I submit Form MMS–4430, Solid Minerals Production and Royalty Report?** (a) *What to submit.* (1) You must submit a completed Form MMS–4430 for * * *.	.5	1,668	834
210.202(a)(1) and (c)(1)	**How do I submit sales summaries?** (a) *What to submit.* (1) You must submit sales summaries for all coal and other solid minerals produced from Federal and Indian leases and for any remote storage site from which you sell Federal or Indian solid minerals * * * (c) *How to submit.* (1) You should provide the sales summary data via electronic mail where possible. We will provide instructions and the proper e-mail address for these submissions * * *.	.25	1,140	285
210.203(a)	**How do I submit sales contracts?** (a) *What to submit.* You must submit sales contracts, agreements, and contract amendments for the sale of all coal and other solid minerals produced from Federal and Indian leases with ad valorem royalty terms * * *.	1	30	30
210.204(a)(1)	**How do I submit facility data?** (a) *What to submit.* (1) You must submit facility data if you operate a wash plant, refining, ore concentration, or other processing facility for any coal, sodium, potassium, metals, or other solid minerals produced from Federal or Indian leases with ad valorem royalty terms * * *.	.25	360	90
210.205	**Will I need to submit additional documents or evidence to MMS?** (a) Federal and Indian lease terms allow us to request detailed statements, documents, or other evidence necessary to verify compliance * * *. (b) We will request this additional information as we need it * * *.	AUDIT PROCESS See Note.		
	Subpart H—Geothermal Resources			
210.351	**Required recordkeeping** * * * [Geothermal] Records may be maintained on microfilm, microfiche, or other recorded media that are easily reproducible and readable * * *.	Hour burden covered under OMB 1010–0140.		
210.352	**Payor information forms** [geothermal] The Payor Information Form (Form MMS–4025) must be filed for each Federal lease on which geothermal royalties (including byproduct royalties) are paid * * *.	This form is no longer used by MMS. The CFR is currently under revision to eliminate this citation.		
210.353	**Special forms and reports** [geothermal] The MMS may require submission of additional information on special forms or reports* * *.	1	1	1
210.354	**Monthly report of sales and royalty** A completed Report of Sales and Royalty Remittance (Form MMS–2014) must be submitted each month once sales or utilization of [geothermal] production occur, * * *.	Hour burden covered by OMB Control Number 1010–0140.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
Part 218—Collection of Royalties, Rentals, Bonuses and Other Monies Due the Federal Government Subpart E—Solid Minerals—General				
218.201(b)	**Method of payment** You must tender all payments * * * except as follows: * * * (b) For Form MMS–4430 payments, include both your customer identification and your customer document identification numbers on your payment document * * *.	.0055	1,368	8
Total Burden			5,777	1,778

Note: AUDIT PROCESS—The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because MMS staff asks non-standard questions to resolve exceptions.

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour cost'' burden associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that 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.

Comments: Before submitting an ICR to OMB, PRA Section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request. The ICR also will be posted on our Web site at *http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm*.

Public Comment Policy: We will post all comments in response to this notice on our Web site at *http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm*. We also will make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Upon request, we will withhold an individual respondent's home address from the public record, as allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state your request prominently at the beginning of your comment. 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.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: February 13, 2007.

Steven D. Textoris,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. E7–3737 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Proposed Award; Temporary Concession Contract for Great Island Cabin and Ferry Service at Cape Lookout National Seashore, NC

AGENCY: National Park Service, Interior.

ACTION: Notice of proposed award of temporary concession contract.

EFFECTIVE DATE: February 1, 2007.

FOR FURTHER INFORMATION CONTACT: Ben Hanslin, Concessions Management Specialist, Southeast Region, National Park Service, 100 Alabama Street, SW., Building 1924, Atlanta, GA 30303 404/562–3108, extension 740.

SUMMARY: Pursuant to 36 CFR part 51, public notice is hereby given that the National Park Service proposes to award a temporary concession contract for continuation of visitor reservations and cabin rental in the Great Island cabin area on South Core Banks (Banks), Cape Lookout National Seashore and ferry service to and from the community of Davis, North Carolina to the Banks for a term not to exceed December 31, 2007.

SUPPLEMENTARY INFORMATION: The temporary concession contract is being awarded to Morris Marina Kabin Kamps and Ferry Service, Inc., a qualified person, as that term is defined in 36

CFR 51.3. Following termination of the prior concession contract at Great Island Camps on December 31, 2004, the National Park Service awarded a temporary concession contract to Morris Marina Kabin Kamps and Ferry Service, Inc., on May 15, 2005, that expires on December 31, 2006. A new concession contract cannot be awarded in time to avoid the interruption of visitor services during the 2007 operating season. The National Park Service has taken all reasonable and necessary steps to consider alternatives to avoid interruption of visitor services, and has determined that this award is necessary to avoid interruption of visitor services.

This action is issued pursuant to 36 CFR 51.24(a). This is not a request for proposals and no prospectus is being issued at this time. The Director intends to issue a prospectus in 2007 to allow the competitive award of a long-term concession contract that will be effective prior to the 2008 season for visitor reservations and cabin rental in the Great Island cabin area on South Core Banks (Banks), Cape Lookout National Seashore and ferry service to and from the community of Davis, North Carolina to the Banks. You may be placed on a mailing list for receiving information regarding the prospectus by sending a written request to the above address.

Dated: February 20, 2007.

Katherine H. Stevenson,

Assistant Director, Business Services.

[FR Doc. 07–1051 Filed 3–6–07; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Bureau of Reclamation

Final Environmental Impact Statement for Clean Water Coalition Systems Conveyance and Operations Program Lake Mead National Recreation Area, Clark County, NV; Notice of Availability

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 and the corresponding Council of Environmental Quality implementing regulations (40 CFR parts 1500–1508), the National Park Service and Bureau of Reclamation, as lead agencies for the Department of Interior, announce the availability of the Clean Water Coalition Systems Conveyance and Operations Program (SCOP) Final Environmental Impact Statement (Final EIS). The SCOP Final EIS completes the evaluation of potential environmental impacts associated with a proposed pipeline alternative, two additional pipeline alternatives, and the baseline No Action alternative (and also presents a Process Improvements option derived from the No Action Alternative). The purpose of implementing the proposal is to put into operation a treatment and conveyance system that will allow for flexible management of wastewater flow in the Las Vegas Valley, while maintaining water quality standards. Clark County, Nevada is one of the fastest growing counties in the U.S., with a projected population in the area of approximately 3,130,000 by 2035. The quantity of effluent treated and discharged in the Las Vegas Valley will increase with the Valley populations. The treatment and conveyance facilities must accommodate the additional flows while continuing to meet current or future water quality standards for Las Vegas Wash and Bay, and Lake Mead.

The Final EIS evaluates effects of the alternatives on both visitor experience and park resources including: surface water hydrology, groundwater, water quality, biological resources/endangered species, cultural resources, recreation, land use, air quality, noise, socioeconomics, and other appropriate resource issues identified during the public scoping phase. An impairment analysis was also completed by the National Park Service (NPS) for the portion of the proposed actions that would impinge upon this unit of the National Park System.

SUPPLEMENTARY INFORMATION: Copies of the Final EIS may be obtained by contacting the SCOP EIS Project Manager, PBS&J, 2270 Corporate Circle, Suite 100, Henderson, NV 89074 (or e-mailing to *eis@cleanwatercoalition.com*). The Final EIS will also be made available at public libraries in the following locations: *Nevada:* Boulder City Library, Las Vegas Public Library, Searchlight Library, Community College of Southern Nevada, Sahara West Library, Mesquite Library, University of Nevada-Las Vegas, James I. Gibson Library, Clark County Library, James R. Dickinson Library, Moapa Valley Library, Green Valley Library, Sunrise Public Library, Laughlin Library. *Arizona:* Burton Barr Central Library, Tempe Public Library, University of Arizona Library, Meadview Community Library, Mohave County Library. *Utah:* Washington County Library. *California:* Environmental Services Library in San Diego, Palm Springs Public Library. Finally, the document will also be available via the Internet at *http://www.cleanwatercoalition.com* and *http://www.nps.gov/lame/docs.html*. For questions concerning release of the Final EIS, please contact: Mr. Michael Boyles, National Park Service, Lake Mead National Recreation Area, 601 Nevada Way, Boulder City, NV 89005, telephone (702) 293–8978; or Mr. Anthony Vigil (LC–2621), Bureau of Reclamation, P.O. Box 61470, Boulder City, NV 89006–1470, telephone (702) 293–8674.

Please note that all information received in support of preparing the EIS becomes part of the public record. Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Before including your address, phone number, e-mail address, or other personal identifying information in your 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.

Public Involvement and Other Agency Coordination: The NPS, along with the Bureau of Reclamation, began the conservation planning and environmental impact analysis process for SCOP in 2002. The Notice of Intent (NOI) to prepare an EIS was published in the **Federal Register** on July 26, 2002. In addition to the NOI, notices were published in local and regional newspapers announcing public scoping meetings, which were held in August of 2002 in Las Vegas and Henderson, NV, Kingman and Phoenix, AZ, and San Diego and Palm Springs, CA. Postcards including a brief description of the proposed project and the locations and dates of the public meetings were mailed to all interested parties in Nevada, Arizona, and California. The Draft EIS was released for public review (and also distributed to the area libraries listed above) in late September 2005; the EPA's announcement of availability of the Draft EIS was noticed in the **Federal Register** on October 7, 2005. Nine public comment meetings were held during October, 2005 in the same cities in which the initial public scoping sessions were conducted. The public comment period on the Draft EIS ended December 6, 2005. Over 500 oral and written comments were received. The Final EIS contains responses to all comments received and incorporates additional information obtained during the review period.

Implementation of SCOP will require a permit from the U.S. Army Corps of Engineers, which regulates construction and dredging of navigable waters of the

U.S. It will also require a right-of-way permit from the Bureau of Land Management for those portions of the alignment which cross lands under that agency's jurisdiction. Coordination with Native Americans occured in 2002 and 2004. Consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act is in process, as are consultations under Section 106 of the National Historic Preservation Act.

Proposal and Alternatives: The SCOP Final EIS evaluates the potential environmental impacts associated with three pipeline alternatives, a Process Improvements Alternative, and the No-Action Alternative (the three pipeline alternatives and No Action alternatives were presented in the Draft EIS). The Boulder Islands North Alternative is the ''environmentally preferred'' alternative and remains the ''agency preferred'' alternative. However, based on public comments, the pipeline alternatives have been slightly modified and the Process Improvements Alternative has been added.

The pipeline alternatives have been revised to limit the total phosphorus loading discharged to Lake Mead and the Las Vegas Wash to not exceed the current wasteload allocation of 334 pounds per day on an average annual basis during ordinary conditions. In addition, details regarding the Boulder Basin Adaptive Management Plan have been included in the description of the pipeline alternatives. The Process Improvements Alternative has been added to the EIS. Although the Process Improvements Alternative meets the definition of ''No Action'' described in CEQ's Forty Questions, and is considered an extension of the original ''No Action'' alternative, it is analyzed and presented in the Final EIS as a separate alternative at the request of the public.

Additions to the EIS resulting from public comments also include sections addressing the potential impacts to downstream users; a more extensive review of the studies and literature that are available regarding endocrine disrupting chemicals and pharmaceuticals and personal care products, and a discussion of the treatment capabilities of the plants and the effectiveness in removal of these substances; and a description of the destratification of Lake Mead and its effect on water quality.

Decision Process: The National Park Service and Bureau of Reclamation will prepare separate Records of Decision no sooner than 30 days following publication of the Environmental Protection Agency's notice of availability in the **Federal Register**. Following approval of the selected actions, the officials responsible for implementation are the Superintendent, Lake Mead National Recreational Area and the Regional Director, Lower Colorado Region, Bureau of Reclamation.

Dated: November 14, 2006.

Robert Walsh,

Acting Regional Director, Lower Colorado Region, Bureau of Reclamation.

Dated: November 20, 2006.

Jonathan B. Jarvis,

Regional Director, Pacific West Region, National Park Service.

Editorial Note: This document was received at the Office of the Federal Register on March 2, 2007.

[FR Doc. 07–1049 Filed 3–6–07; 8:45 am]

BILLING CODE 4310–A7–P

INTERNATIONAL TRADE COMMISSION

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Commission has submitted a request for emergency processing for review and clearance of questionnaires to the Office of Management and Budget (OMB). The Commission has requested OMB approval of this submission by COB March 15, 2007.

EFFECTIVE DATE: March 1, 2007.

Purpose of Information Collection: The forms are for use by the Commission in connection with investigation No. 332–479, Certain Textile Articles: Performance Outerwear, instituted under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) at the request of the House Committee on Ways and Means. The Commission expects to deliver its report to the Committee by July 25, 2007.

Summary of Proposal:

(1) *Number of forms submitted:* two.

(2) *Title of form:* Questionnaire for U.S. Producers of Performance Outerwear Jackets and Pants; Questionnaire for U.S. Producers of Fabrics for Use in Performance Outerwear Jackets and Pants.

(3) *Type of request:* New.

(4) *Frequency of use:* Single data gathering, scheduled for 2007.

(5) *Description of respondents:* U.S. firms that produce performance outerwear jackets and pants, and U.S. firms that produce the fabrics used in performance outerwear jackets and pants.

(6) *Estimated number of respondents:* 116 (Producer outerwear questionnaire). 17 (Producer fabric questionnaire).

(7) *Estimated total number of hours for all respondents combined to complete the forms:* 832 hours.

(8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment: Copies of the forms and supporting documents may be obtained from the Commission's Web site at *http://www.usitc.gov/ind_econ_ana/research_ana/Ongoing_Inv.htm*, or from Kimberlie Freund, Co-Project Leader (202–708–5402; *kimberlie.freund@usitc.gov*) or Heidi Colby-Oizumi, Co-Project Leader, (202–205–3391; *heidi.colby@usitc.gov*), of the Office of Industries. Comments about the proposals should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington, DC 20503, ATTENTION: Docket Librarian. All comments should be specific, indicating which part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revisions or language changes. Copies of any comments should be provided to Robert Rogowsky, Director, Office of Operations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, who is the Commission's designated Senior Official under the Paperwork Reduction Act.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TTD terminal (telephone no. 202–205–1810). General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*).

Issued: March 1, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–4013 Filed 3–6–07; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–895 (Review)]

Pure Magnesium From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on certain pure magnesium from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on October 2, 2006 (71 FR 58001) and determined on January 5, 2007 that it would conduct an expedited review (72 FR 3876, January 26, 2007).

The Commission transmitted its determination in this investigation to the Secretary of Commerce on March 1, 2007. The views of the Commission are contained in USITC Publication 3908 (March 2007), entitled Pure Magnesium from China: Investigation No. 731–TA–895 (Review).

Issued: March 1, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–4012 Filed 3–6–07; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioners Jennifer A. Hillman and Irving A. Williamson not participating. Commissioner Dean A. Pinkert was not a member of the Commission at the time of the vote.

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Evidence

AGENCY: Advisory Committee on Rules of Evidence, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Evidence will hold a two day meeting. The meeting will be open to the public observation but not participation.

DATES: April 12–13, 2007.

Time: 7:30 a.m. to 5 p.m.

ADDRESSES: The Inn at Rancho Santa Fe, 5951 Linea Del Cielo, Rancho Santa Fe, CA 92067.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 27, 2007.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 07–1042 Filed 3–6–07; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Criminal Procedure

AGENCY: Advisory Committee on Rules of Criminal Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Criminal Procedure will hold a two day meeting. The meeting will be open to public observation but not participation.

DATES: April 16–17, 2007.

Time: 8:30 a.m. to 5 p.m.

ADDRESSES: Brooklyn Law School, 250 Joralemon Street, 11th Floor, Brooklyn, NY.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 27, 2007.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 07–1043 Filed 3–6–07; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Civil Procedure

AGENCY: Advisory Committee on Rules of Civil Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a two day meeting. The meeting will be open to public observation but not participation.

DATES: April 19–20, 2007.

Time: 8:30 a.m. to 5 p.m.

ADDRESSES: Brooklyn Law School, 250 Joralemon Street, 11th Floor, Brooklyn, NY.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 27, 2007.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 07–1044 Filed 3–6–07; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Appellate Procedure

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Appellate Procedure will hold a two day meeting. The meeting will be open to public observation but not participation.

DATES: April 26–27, 2007.

Time: 8:30 a.m. to 5 p.m.

ADDRESSES: La Posada de Sante Fe, 330 East Palace Avenue, Santa Fe, NM 87501.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 27, 2007.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 07–1045 Filed 3–6–07; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

AGENCY: Committee on Rules of Practice and Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a two day meeting. The meeting will be open to public observation but not participation.

DATES: June 11–12, 2007.

Time: 8:30 a.m. to 5 p.m.

ADDRESSES: Thurgood Marshall Federal Judicial Building, Mecham Conference Center, One Columbus Circle, NE., Washington, DC 20544.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 27, 2007.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 07–1046 Filed 3–6–07; 8:45 am]

BILLING CODE 2210–55–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Bankruptcy Procedure,

AGENCY: Advisory Committee on Rules of Bankruptcy Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Bankruptcy Procedure will hold a two day meeting. The meeting will be open to public observation but not participation.

DATES: September 6–7, 2007.

Time: 8:30 a.m. to 5 p.m.

ADDRESSES: Teton Mountain Lodge, 3385 West Village Drive, P.O. Box 564, Teton Village, WY 83025.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 27, 2007.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 07–1047 Filed 3–6–07; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0234]

National Institute of Justice; Agency Information Collection Activities, Proposed Collection; Comment Requested

ACTION: 60-Day Notice of Information Collection Under Review: Extension of a Currently Approved Collection. Requirements Data Collection Application for the Juvenile Accountability Incentive. Block Grants Program.

The Department of Justice, Office of Justice Programs 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. Comments are encouraged and will be accepted for ''sixty days'' until May 7, 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 Tom Murphy, Office of Justice Programs, The Office of Juvenile Justice and Delinquency Prevention, (202) 353–8734.

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

Type of Information Collection

(1) Extension of a Currently Approved Collection.

(2) *Title of the Forms/Collection:* Requirements Data Collection Application for the Juvenile Accountability Incentive Block Grants Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

(4) *Affected public who will be asked or required to respond are:* Prosecutors, Law Enforcement Officials, and Forensic Laboratory personnel from agencies within the jurisdiction represented by the grantees.

The National Institute of Justice uses this information to assess the impacts and cost-effectiveness of the Forensic Casework DNA Backlog Programs over time and to diagnose performance problems in current casework programs. This evaluation will help decision makers be better informed to not only diagnose program performance problems, but also to better understand whether the benefits of DNA collection and testing is in fact an effective public safety and crime control practice.

(1) *An estimate of the total number of respondents and the amount of time needed for an average respondent to respond is broken down as follows:*

Law Enforcement—200 respondents, average burden time 120 minutes—400 hours total.

Prosecutors—200 respondents, average burden time 90 minutes—300 hours total.

Lab personnel—135 respondents average burden 120 minutes—270 hours total.

(2) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this collection is 970 hours.

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: March 1, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E7–4016 Filed 3–6–07; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

Canadian Standards Association; Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Occupational Safety and Health Administration's final decision expanding the recognition of the Canadian Standards Association (CSA) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

DATES: The expansion of recognition becomes effective on March 7, 2007.

FOR FURTHER INFORMATION CONTACT: MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–3655, Washington, DC 20210, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of the Canadian Standards Association (CSA) as a Nationally Recognized Testing Laboratory (NRTL). CSA's expansion covers the use of additional test standards. OSHA's current scope of recognition for CSA may be found in the following informational Web page: *http://www.osha.gov/dts/otpca/nrtl/csa.html.*

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL that details its scope of recognition. These pages can be accessed from our Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSA submitted an application, dated July 5, 2005, (see Exhibit 34–1) to expand its recognition to include 12 additional test standards. The NRTL Program staff determined that nine of these standards are ''appropriate test standards'' within the meaning of 29 CFR 1910.7(c). However, one of these standards was already included in CSA's scope. Therefore, OSHA is approving eight test standards for the expansion. In connection with this request, OSHA did not perform an on-site review of CSA's NRTL testing facilities. However, NRTL Program assessment staff reviewed information pertinent to the request and recommended expansion for the eight additional test standards (see Exhibit 34–2).

The preliminary notice announcing the expansion application was published in the **Federal Register** on October 6, 2006 (71 FR 59129). Comments were requested by October 23, 2006, but no comments were received in response to this notice. OSHA is now proceeding with this final notice to grant CSA's expansion application.

The most recent application processed by OSHA specifically related to CSA's recognition granted an expansion, and the final notice for this expansion was published on August 26, 2003 (68 FR 51303).

You may obtain or review copies of all public documents pertaining to the CSA application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2006–0042 (formerly NRTL2–92) contains all materials in the record concerning CSA's recognition.

The current addresses of the CSA facilities already recognized by OSHA are:

Canadian Standards Association, 178 Rexdale Boulevard (Toronto), Etobicoke, ON M9W 1R3, Canada;

CSA International, Pointe-Claire (Montreal), 865 Ellingham Street, Pointe-Claire, PQ H9R 5E8, Canada;

CSA International, Richmond (Vancouver), 13799 Commerce Parkway, Richmond, BC V6V 2N9, Canada;

CSA International, Edmonton, 1707–94th Street, Edmonton, AB T6N 1E6, Canada;

CSA International, Irvine, 2805 Barranca Parkway, Irvine, CA 92606; and

CSA International, Cleveland, 8501 East Pleasant Valley Road, Cleveland, OH 44131.

Final Decision and Order

NRTL Program staff has examined the application, the assessor's recommendation, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that CSA has met the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of CSA, subject to this limitation and these conditions.

Limitation

OSHA limits the expansion of CSA's recognition to testing and certification of products for demonstration of conformance to the following test standards, each of which OSHA has determined is an appropriate test standard, within the meaning of 29 CFR 1910.7(c):

UL 568	Nonmetallic Cable Tray Systems.
FM 3810	Electrical and Electronic Test, Measuring, and Process Control Equipment.
UL 61010A–2–010	Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for the Heating of Materials.
UL 61010A–2–041	Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Autoclaves Using Steam for the Treatment of Medical Materials and for Laboratory Processes.
UL 61010A–2–042	Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Autoclaves and Sterilizers Using Toxic Gas for the Treatment of Medical Materials, and for Laboratory Processes.
UL 61010A–2–051	Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Mixing and Stirring.
UL 61010A–2–061	Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Atomic Spectrometers with Thermal Atomization and Ionization.

UL 61010B–2–031	Electrical Equipment for Measurement, Control, and Laboratory Use; Part 2: Particular Requirements for Hand-Held Probe Assemblies for Electrical Measurement and Test.

The designations and titles of the above test standards were current at the time of the preparation of the preliminary notice.

OSHA's recognition of CSA, or any NRTL, for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third-party testing and certification before use in the workplace. Consequently, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

Many UL test standards are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed to the ANSI designation. Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

Conditions

CSA must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA must be allowed access to CSA's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If CSA has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

CSA must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, CSA agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

CSA will meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition; and

CSA will continue to meet the requirements for recognition in all areas where it has been recognized.

Signed at Washington, DC, this 26th day of February, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor.

[FR Doc. E7–3953 Filed 3–6–07; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by April 6, 2007. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

1. *Applicant:* Permit Application No. 2007–024.

Daniel P. Costa, Department of Biology, University of California, Santa Cruz, Santa Cruz, CA 95064.

Activity for Which Permit Is Requested

Take, Import into the U.S, and Enter an Antarctic Specially Protected Area. The applicant proposes to take up to 35 Crabeater, 10 each of Leopard and Weddell seals and 5 Ross seals per year over a 3-year period. The animals will be captured, tagged, dye marked, anesthetized, blood sampled, weighed, morphometric measurements taken, muscle and/or blubber biopsy taken, whisker taken, and instrumented with SMRU CTD SRDLs and VHR's tags. Samples collected will be used to study the foraging behavior and habitat utilization of pelagic predators. Animals will be taken from the pack ice, however if this proves to be logically infeasible, then the applicant proposes to enter the Antarctic Specially Protected Areas: Dion Islands (ASPA #107); Lagotellerie Islands (ASPA #115); Avian Islands (ASPA #117) and Rothera Point (ASPA #129) to collect the required samples.

Location

Marguerite Bay, West Antarctic Peninsula, Dion Islands (ASPA #107), Lagotellerie Islands (ASPA #115), Avian Islands (ASPA #117) and Rothera Point (ASPA #129).

Dates

April 1, 2007 to August 31, 2010.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. E7–3898 Filed 3–6–07; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7004–ML; ASLBP No. 05–838–01–ML]

Atomic Safety and Licensing Board; In the Matter of USEC, Inc. (American Centrifuge Plant); Notice (Notice of Hearing)

March 1, 2007.

Before Administrative Judges: Lawrence G. McDade, Chairman; Dr. Peter S. Lam; Dr. Richard E. Wardwel.

This Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary session to receive testimony and exhibits in the ''mandatory hearing'' portion of this proceeding regarding the August 23, 2004 application of USEC, Inc. (USEC) for authorization to construct a facility and to possess and use source, byproduct, and special nuclear material in order to enrich natural uranium to a maximum of ten percent uranium-235 by the gas centrifuge process.[1] USEC proposes to do this at a facility—denominated the American Centrifuge Plant—to be constructed near Piketon, Ohio. This mandatory hearing will concern safety and environmental matters relating to the proposed issuance of the requested license, as more fully described below.

A. Matters To Be Considered

As set forth by the Commission in the October 2004 Notice of Hearing[2] the matters to be considered are (1) Whether the application and record of the proceeding contain sufficient information and whether the NRC Staff's review of the application has been adequate to support findings to be made by the Director of the Office of Nuclear Materials Safety and Safeguards, with respect to the applicable standards contained in 10 CFR 30.33, 40.32, and 70.23, and (2) whether the review conducted by the NRC Staff pursuant to 10 CFR Part 51 has been adequate. Additionally, in accord with the Commission's October 2004 notice, also at issue in this proceeding is: (3) Whether the requirements of Sections 102(2)(A), (C), and (E) of the National Environmental Policy Act of 1969 and 10 CFR Part 51, Subpart A, have been complied with in this proceeding; (4) whether the final balance among conflicting factors contained in the record of this proceeding indicate that granting the license is the appropriate action to be taken; and (5) whether the license should be issued, denied, or appropriately conditioned to protect the environment.

B. Date, Time, and Location of Mandatory Hearing

The Board will conduct this mandatory hearing at the specified location and time:

1. *Date:* Tuesday, March 13, 2007.

Time: Beginning at 10 a.m. EST.

Location: ASLBP Hearing Room, Two White Flint North, Third Floor, 11545 Rockville Pike, Rockville, Maryland 20852–2738.

The hearing on these issues will then be continued until Monday, March 19, 2007, and thereafter day-to-day until concluded.

Any members of the public who plan to attend the mandatory hearing are advised that security measures will be employed at the entrance to the hearing facility, including searches of hand-carried items such as briefcases or backpacks. The public is further advised that, in accordance with 10 CFR 2.390, portions of the hearing sessions will be closed to the public because the matters at issue will involve the discussion of protected information.

C. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *www.nrc.gov/reading-rm/adams.html* (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at (800) 397–4209 or (301) 415–4737, or by e-mail to *pdr@nrc.gov*.

D. Scheduling Information Updates

Any updated/revised scheduling information regarding the evidentiary hearing can be found on the NRC Web site at *www.nrc.gov/public-involve/public-meetings/index.cfm* or by calling (800) 368–5642, extension 5036, or (301) 415–5036.

It is so ordered.

Dated in Rockville, Maryland, on March 1, 2007.

For the Atomic Safety And Licensing Board.[3]

Lawrence G. McDade,

Chairman, Administrative Judge.

[FR Doc. E7–4103 Filed 3–6–07; 8:45 am]

BILLING CODE 7590–01–P

[1] *See* 69 FR 61411 (Oct. 18, 2004); *see also* 10 CFR Parts 30, 40, and 70.

[2] 69 FR at 61411–61412.

[3] Copies of this Notice were sent this date by Internet electronic mail transmission to counsel for (1) USEC; and (2) the NRC Staff.

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–17584]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 01–02861–05, for Termination of the License and Unrestricted Release of the Department of the Army's Chemical School Facility in Fort McClellan, AL

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of environmental assessment and finding of no significant impact for license amendment.

FOR FURTHER INFORMATION CONTACT: Orysia Masnyk Bailey, Health Physicist, Materials Security & Industrial Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19401; phone number (864) 427–1032; fax number (610) 680–3497; or by e-mail: *omm@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering terminating Byproduct Materials License No. 01–02861–05. This license is held by the Department of the Army (the Licensee), for remaining residual ground contamination at a 1950s era radioactive materials burial ground, located within the LaGarde Park (the Site) in Anniston, Alabama, adjacent to Fort McClellan. Termination of the license would authorize release of the site for unrestricted use.

The Army requested this action in a letter dated April 26, 2005. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The license will be terminated following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's April 26, 2005, request, resulting in release of the Site for unrestricted use and the termination of its NRC materials license. The U.S. Army Chemical School was located at Fort McClellan from 1951–1973 and 1979–1999. Several Byproduct Materials Licenses were issued and terminated over the years which authorized the use of byproduct material by the Army Chemical School at Fort McClellan. License No. 01–02861–05 was issued in 1979, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license initially was a license of broad scope, but now is limited to authorizing the possession of unsealed byproduct material in contaminated soil at the Site. Over the past 10 years, portions of the Army's Chemical School at Fort McClellan have been incrementally released for unrestricted use as remediation activities and radiological surveys have allowed in support of the Base Closure and Relocation (BRAC) process Fort McClellan is undergoing. As buildings and outdoor areas were released they were turned over to the State of Alabama. The Site now under consideration for release is on property that was deeded to the city of Anniston from the Army in 1974, and has been used as a recreational park.

A flyover survey of Fort McClellan was completed in October 2001 and the Site was found to contain a ''hot spot''. Cesium 137 contamination on the east side of the Site was identified and was determined to be from training activities at the former Army Chemical School. The contaminated area (adjacent to the Fort McClellan perimeter fence) was then fenced. This area is located in a wooded section of the park containing walking and biking trails. Because the property no longer belonged to the Army, the U.S. Army Corps of Engineers (USACE) assumed responsibility for site remediation under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Since the contamination found at the site was associated with the Army's use of the property during the 1950s, the property was found to be eligible for action under the Defense Environmental Restoration Program (DERP). This program authorizes the Secretary of Defense to undertake remediation action at formerly used defense sites (FUDS) related to contamination associated with past Department of Defense (DOD) use. USACE is DOD's delegated execution agent for DERP–FUDS response actions. The permit waiver provision of CERCLA 121(e) thus applies to the Site, and USACE therefore was not required to submit a decommissioning plan to the NRC prior to initiating remediation activities in September 2003.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the site, and seeks the unrestricted use of the site and the termination of its NRC materials license.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the site shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: cobalt-60 and cesium-137. Prior to performing the final status survey, USACE contracted to have 244 tons of contaminated materials and dirt removed from the site from September 2003 through March 2005.

USACE conducted a final status survey of the Site in August 2005 and submitted its draft data (later submitted unchanged in final form in June 2006) showing that the Site meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release and permits license termination. USACE demonstrated compliance with the radiological criteria for unrestricted release specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2. USACE used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. USACE's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. USACE also considered the dose contribution from previous site releases. The NRC concludes that USACE's final status survey results are acceptable. NRC staff conducted a confirmatory survey on September 27, 2005. Results were comparable to those observed by USACE and none of the confirmatory sample results exceeded the DCGLs.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'' (NUREG–1496) Volumes 1–3 (ML042310492, ML042320379, and ML042330385). Accordingly, there were no significant environmental impacts from the use of radioactive material at the site. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the site. No such hazards or impacts to the environment were identified. The NRC has found no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the site for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402 including the impact of residual radioactivity at previously-released site locations of use. Based on its review, the staff considered the impact of the residual radioactivity at the Site and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by denying the termination request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the USACE's final status survey data confirmed that the Site meets the requirements of 10 CFR 20.1402 for unrestricted release and for license termination. Additionally, this denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the

human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the State of Alabama, Department of Radiation Control for review on October 31, 2006. On November 11, 2006, the State of Alabama Department of Radiation Control responded by e-mail. The State agreed with the conclusions of the EA, and otherwise had no substantive comments.

The NRC staff has determined that the proposed action is of a procedural nature and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance'';
2. Title 10, Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination'';
3. Title 10, Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions'';
4. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'';
5. August 1, 2002 U.S. Army Corps of Engineers (USACE) to NRC memorandum (ML031490516);
6. October 2002 ''Airborne Radiological Survey—Main Post and Pelham Range, Walkover Radiological Survey at Rideout Field and Anomaly Surveys on Main Post and Pelham Range, Groundwater Investigation—Burial Mound at Rideout Field'' (Package ML030100136);
7. June 2003 ''Final Completion Report, Site Investigation at LaGarde Park, Anniston, Alabama'' (ML052710179);
8. August 25, 2003 NRC Inspection Report No. 01–02861–05/03–01 (ML032380139);
9. October 13, 2003, STEP, Inc. to USACE, ''Removal Action at LaGrange Park, Phase II Memorandum'' (ML052710136);
10. February 10, 2004, Shaw Group, Inc. response to NRC Inspection Report 01–02861–05/03–01 (ML042100101);
11. NRC letter dated June 24, 2004, acknowledging the receipt of the Army's Airborne Survey Report (ML041770403);
12. May 2004 ''Final Report for Removal Action at LaGarde Park'' (TBS);
13. April 2005 ''Final Remedial Investigation Report, Expanded Site Investigation at LaGarde Park, Anniston, Alabama'' (ML061940256);
14. April 26, 2005, Department of the Army request for termination of Materials License No. 01–02861–05 (ML051430344);
15. August 2005 ''Draft Final Remedial Action Report, Final Interim Removal Action at LaGarde Park, Anniston, Alabama'' (ML052840081);
16. November 4, 2005 ''Final Remedial Action Report, Final Interim Removal Action at LaGarde Park, Anniston, Alabama'' (ML061940267);
17. December 14, 2005 NRC Inspection Report 03017584/2005001 (ML053480096);
18. May 2006 ''Proposed Plan for the LaGarde Park Site of the Former Fort McClellan, Anniston, Alabama'' (ML061940273); and
19. June 2006 ''Final Decision Document for the LaGarde Park Site of the former Fort McClellan, Anniston, Alabama'' (ML061940269).

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to pdr@nrc.gov. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at King of Prussia, Pennsylvania, this 27th day of February, 2007.

For the Nuclear Regulatory Commission.

Marie Miller,

Chief, Materials Security & Industrial Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E7–4096 Filed 3–6–07; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services Covered by Chapter 9 of the Dominican Republic-Central America-United States Free Trade Agreement for the Dominican Republic

AGENCY: Office of the United States Trade Representative.

ACTION: Determination Regarding Waiver of Discriminatory Purchasing Requirements under the Trade Agreements Act of 1979.

DATES: *Effective Date:* March 1, 2007.

FOR FURTHER INFORMATION CONTACT: Jean Heilman Grier, Senior Procurement Negotiator, Office of the United States Trade Representative, (202) 395–9476.

SUPPLEMENTARY INFORMATION: On August 5, 2004, the United States and the Dominican Republic entered into the Dominican Republic-Central America-United States Free Trade Agreement (''the CAFTA–DR''). Chapter 9 of the CAFTA–DR sets forth certain obligations with respect to government procurement of goods and services, as specified in Annex 9.1.2(b)(i) of the CAFTA–DR. On August 2, 2005, the President signed into law the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (''the Act'') (Pub. L. No. 109–53, 119 Stat. 462). In section 101(a) of the Act, the Congress approved the CAFTA–DR. The CAFTA–DR will enter into force on March 1, 2007, for the Dominican Republic.

Section 1–201 of Executive Order 12260 of December 31, 1980 delegated the functions of the President under Sections 301 and 302 of the Trade Agreements Act of 1979 (''the Trade Agreements Act'') (19 U.S.C. 2511, 2512) to the United States Trade Representative.

Determination: In conformity with sections 301 and 302 of the Trade Agreements Act, and in order to carry out U.S. obligations under the CAFTA–DR, I hereby determine that:

1. The Dominican Republic is a country, other than a major industrialized country, which, pursuant to the CAFTA–DR, will provide appropriate reciprocal competitive government procurement opportunities to United States products and services and suppliers of such products and services. In accordance with Section 301(b)(3) of the Trade Agreements Act, the Dominican Republic is so designated for purposes of Section 301(a) of the Trade Agreements Act.

2. Accordingly, beginning on March 1, 2007, with respect to eligible products (namely, those goods and services covered under the CAFTA–DR for procurement by the United States) of the Dominican Republic and suppliers of such products, the application of any law, regulation, procedure, or practice regarding government procurement that would, if applied to such products and suppliers, result in treatment less favorable than that accorded—

(A) To United States products and suppliers of such products; or

(B) To eligible products of another foreign country or instrumentality which is a party to the Agreement on Government Procurement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)) and suppliers of such products, shall be waived. This waiver shall be applied by all entities listed in the Schedule of the United States to Section A of Annex 9.1.2(b)(i) and in List A of Section C of Annex 9.1.2(b)(i) of the CAFTA–DR.

3. The Trade Representative may modify or withdraw the designation in paragraph 1 and the waiver in paragraph 2.

Dated: February 28, 2007.

Susan C. Schwab,

United States Trade Representative.

[FR Doc. E7–4020 Filed 3–6–07; 8:45 am]

BILLING CODE 3190–W7–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55368; File No. SR–Amex–2007–26]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise the AEMI and AEMI–One Rules Relating to the Publishing of Manual Quotations and Re-Enabling Auto-Ex

February 28, 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 27, 2007, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. Amex has filed this proposal pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(5) 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

The Exchange proposes to adopt changes to its AEMI and AEMI–One rules to address a situation that the Exchange has encountered in publishing its manual, non-firm quote following a tolerance breach that disables the Exchange's automatic execution functionality (''auto-ex''). Under certain circumstances, displaying the price of the national best bid (''NBB'') or national best offer (''NBO'') (as the case may be) as part of such a non-firm quote (as provided in the current AEMI and AEMI–One rules) may result in the Exchange publishing a locked or crossed quotation. To avoid this situation, the Exchange is proposing to amend Rules 128A–AEMI–One(g) and 128A–AEMI(g) to provide instead for using the price of the best bid, offer, or order (as the case may be) in AEMI, rather than the NBB or NBO, under these circumstances. Related changes to Rules 123–AEMI–One(h) and 123–AEMI(h) would clarify that all such non-firm quotes disseminated through the AEMI platform are indicative only. In addition, the Exchange is proposing the addition of a phrase to each of Rules 128A–AEMI–One(g) and 128A–AEMI(g) to clarify that the obligation of the Specialist is to ''attempt to'' pair off the remainder of an aggressing order that results in a locked or crossed AEMI Book to re-enable auto-ex prior to the expiration of a ten-second time period. The Exchange also is proposing an unrelated change to the text of Rules 1A–AEMI–One(b) and 1A–AEMI(b) to clarify the applicability of cross-references in the Exchange's rules to a legacy rule that is no longer applicable due to having been superseded by a corresponding AEMI or AEMI–One rule.

The text of the proposed rule change is available on the Amex's Web site at *http://www.amex.com,* at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has recently adopted two sets of rules in connection with the operation of its new hybrid market trading platform for equity products and exchange-traded funds, designated as AEMI℠ (the ''Auction and Electronic Market Integration'' platform). The initial version of AEMI is referred to as ''AEMI–One'' and is currently operational on a pilot basis [5] through the day prior to the final date set by the Commission for full operation of all automated trading centers that intend to qualify their quotations for trade-

[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)(5).

[5] *See* Securities Exchange Act Release No. 54709 (November 3, 2006), 71 FR 65847 (November 9, 2006) (SR–Amex–2006–72) (Order Approving a Proposed Rule Change and Amendment No 1 Thereto, and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3, to Adopt New Rules to Implement on a Pilot Basis an Initial Version of AEMI, Its Proposed New Hybrid Market Trading Platform for Equity Products and Exchange Traded Funds).

through protection under Rule 611[6] of Regulation NMS (the latter date being referred to as the ''Trading Phase Date'').[7] On the Trading Phase Date, the regular AEMI rules will become effective[8] and the AEMI–One rules will cease to be operative. The Exchange proposes to adopt the following change to the AEMI platform and to reflect that change in both the currently effective AEMI–One rule and the corresponding AEMI rule that will become effective on the Trading Phase Date.

In the event that auto-ex is disabled through the breach of the Spread Tolerance or Momentum Tolerance or a gap trade (each a ''Tolerance''), as provided in Exchange Rules 128A–AEMI–One(f) and 128A–AEMI(f), Exchange Rules 128A–AEMI–One(g) and 128A–AEMI(g) currently provide that the Amex Published Quote (''APQ'') will display a price on the same side corresponding to the aggressing order that is equal to the price of the NBB or NBO (as the case may be), with the contra side of the quote reflecting the best bid, offer, or order in AEMI (both sides being non-firm). Under certain circumstances, however, displaying the NBB or NBO as part of such a non-firm quote may result in the Exchange publishing a locked or crossed quotation. The problem is illustrated by the following hypothetical example.

Assume that the NBB is 10.50 and the NBO is 10.00 (a crossed market). Further assume that the APQ is 9.80 x 10.00 and that an aggressing buy order takes out Amex offers on the AEMI Book and breaches a Tolerance at 10.25 (disabling auto-ex). The next offer in AEMI is 10.30. Under the current AEMI–One and AEMI rules, Amex's manual non-firm quote displayed by the AEMI platform would then be 10.50 x 10.30 (a crossed APQ).

To avoid the foregoing situation, the Exchange is proposing to amend Rules 128A–AEMI–One(g) and 128A–AEMI(g) to provide instead for using the price of the best bid, offer, or order (as the case may be) in AEMI, rather than the NBB or NBO, under these circumstances. Under the language of the proposed amendment, the Exchange's manual, non-firm quote in the foregoing example would be 9.80 x 10.30. The proposed amendment also contains language providing that the size of the non-firm quote on the same side as the aggressing order would be equal to the remainder of the aggressing order. The proposed amendment further clarifies that the aggressing order itself would not be considered as the best bid, offer, or order in AEMI in the situation where the price of the NBB or NBO is not used as part of the non-firm APQ on the side of the aggressing order. Related changes to Rules 123–AEMI–One(h) and 123–AEMI(h) would clarify that all such non-firm quotes disseminated through the AEMI platform are indicative only.

In addition, the Exchange is proposing the addition of a phrase to each of Rules 128A–AEMI–One(g) and 128A–AEMI(g) to clarify that the obligation of the Specialist is to ''attempt to'' pair off the remainder of an aggressing order that results in a locked or crossed AEMI Book to re-enable auto-ex prior to the expiration of a ten-second time period. This proposed change is consistent with the extensive discussion in the same rule sections regarding what to do if auto-ex is not re-enabled within ten seconds, and it avoids the implication that the Specialist has committed an enforceable rule violation if conditions are such that the Specialist is unable to complete the pair-off to re-enable auto-ex within the ten-second period.

The Exchange also is proposing an unrelated change to the text of Rules 1A–AEMI–One(b) and 1A–AEMI(b) to clarify the applicability of cross-references in the Exchange's rules to a legacy rule that is no longer applicable due to having been superseded by a corresponding AEMI or AEMI–One rule. Under the proposed change, any reference to such an inapplicable legacy rule shall be deemed to be a reference to the corresponding AEMI or AEMI–One rule, as the case may be.

The Exchange asserts that the proposal to effect the foregoing changes to the AEMI trading system does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and does not have the effect of limiting the access to or availability of the system.

2. Statutory Basis

The proposed rule change is designed to be consistent with Regulation NMS as well as consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5),[10] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

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 proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) have the effect of limiting the access to or availability of an existing order entry or trading system of the Exchange, the foregoing rule change has become effective immediately pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(5) thereunder.[12] 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 the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form at *http://www.sec.gov/rules/sro.shtml;* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File

[6] 17 CFR 242.611. The Order Protection Rule requires trading centers to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the execution of trades at prices inferior to protected quotations displayed by other trading centers, subject to certain exceptions.

[7] The Trading Phase Date is currently established as March 5, 2007.

[8] *See* Securities Exchange Act Release No. 54552 (September 29, 2006), 71 FR 59546 (October 10, 2006) (SR–Amex–2005–104) (Order Approving a Proposed Rule Change and Amendments No. 1, 2, 3, 4, and 5 Thereto, and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 6, to Establish a New Hybrid Trading System Known as AEMI).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(5).

No. SR–Amex–2007–26 on the subject line.

Paper Comments

• Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–Amex–2007–26. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–Amex–2007–26 and should be submitted on or before March 28, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4039 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55372; File No. SR–Amex–2006–112]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change as Modified by Amendment No. 1 Thereto Relating to the Listing and Trading of Units of the United States Natural Gas Fund, LP

February 28, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, notice is hereby given that on December 1, 2006, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On February 14, 2007, the Exchange submitted Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade units (a ''Unit'' or collectively, the ''Units'') of the United States Natural Gas Fund, LP (''USNG'' or the ''Partnership'') pursuant to Amex Rules 1500 *et seq.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Units issued by USNG (under the symbol: ''UNG'') pursuant to Exchange Rules 1500 *et seq.*[3] Amex Rule 1500 provides for the listing of Partnership Units, which are defined as securities: (a) That are issued by a partnership that invests in any combination of futures contracts, options on futures contracts, forward contracts, commodities, and/or securities; and (b) that are issued and redeemed daily in specified aggregate amounts at net asset value. Pursuant to Commentary .01 to Rule 1502, the Exchange will file separate proposals under Section 19(b) of the Act before listing and trading separate and distinct Partnership Units designated on different underlying investments, commodities and/or assets. The Exchange submits that the Units will conform to the initial and continued listing criteria under Rule 1502.[4]

The Units represent ownership of a fractional undivided beneficial interest in the net assets of USNG.[5] The net assets of USNG will consist of investments in futures contracts based on natural gas, crude oil, heating oil, gasoline, and other petroleum-based fuels traded on the New York Mercantile Exchange (''NYMEX''), Intercontinental Exchange (''ICE Futures'') or other U.S. and foreign exchanges (collectively, ''Futures Contracts''). USNG may also invest in other natural gas-related investments such as cash-settled options on Futures Contracts, forward contracts for natural gas, and over-the-counter (''OTC'') transactions that are based on the price of natural gas, oil and other petroleum-based fuels, Futures Contracts and indices based on the foregoing (collectively, ''Other Natural Gas Related Investments''). Futures Contracts and Other Natural Gas Related Investments collectively are referred to as ''Natural Gas Interests.''

USNG will invest in Natural Gas Interests to the fullest extent possible without being leveraged or unable to satisfy its current or potential margin or collateral obligations. In pursuing this objective, the primary focus of USNG's investment manager, Victoria Bay Asset Management, LLC (''Victoria Bay'' or ''General Partner''), will be the investment in Futures Contracts and the management of its investments in short-term obligations of the United States

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 53582 (March 31, 2006), 71 FR 17510 (April 6, 2006) (SR–Amex 2005–127) (approving Amex Rules 1500 *et seq.* and the listing and trading of Units of the United States Oil Fund, LP).

[4] As set forth in the section ''Listing and Trading Rules,'' the Exchange will require a minimum of 100,000 Units to be outstanding at the start of trading.

[5] USNG is commodity pool that will issue Units that may be purchased and sold on the Exchange.

(''Treasuries''), cash equivalents, and cash (collectively, ''Cash'') for margining purposes and as collateral.

The investment objective of USNG is for changes in percentage terms of a unit's net asset value (''NAV'') to reflect the changes in percentage terms of the price of natural gas delivered at the Henry Hub, Louisiana as measured by the natural gas futures contract traded on the NYMEX (the ''Benchmark Futures Contract''). The Benchmark Futures Contract employed is the near month expiration contract, except when the near month contract is within two (2) weeks of expiration, in which case it will invest in the next expiration month.[6]

The General Partner will attempt to place USNG's trades in Natural Gas Interests and otherwise manage USNG's investments so that ''A'' will be within plus/minus 10 percent of ''B'', where:

- A is the average daily change in USNG's NAV for any period of 30 successive valuation days, *i.e.*, any day as of which USNG calculates its NAV, and
- B is the average daily change in the price of the Benchmark Futures Contract over the same period.

An investment in the Units will allow both retail and institutional investors to easily gain exposure to the natural gas market in a cost-effective manner. In addition, the Units are also expected to provide additional means for diversifying an investor's investments or hedging exposure to changes in natural gas prices.

Description of the Natural Gas Market

Natural Gas. The Exchange states that Natural gas accounts for almost a quarter of U.S. energy consumption. The price of natural gas is established by the supply and demand conditions in the North American market, and more particularly, in the main refining center of the U.S. Gulf Coast. The natural gas market essentially constitutes an auction, where the highest bidder wins the supply. When markets are ''strong'' (*i.e.*, when demand is high and/or supply is low), the bidder must be willing to pay a higher premium to capture the supply. When markets are ''weak'' (*i.e.*, when demand is low and/or supply is high), a bidder may choose not to outbid competitors, waiting instead for later, possibly lower priced, supplies. Demand for natural gas by consumers, as well as agricultural, manufacturing and transportation industries, determines the demand for natural gas. Since the precursors of product demand are linked to economic activity, natural gas demand will tend to reflect economic conditions. However, other factors such as weather significantly influence natural gas demand.

The Exchange states that NYMEX is the world's largest physical commodity futures exchange and the dominant market for the trading of energy and precious metals. The Benchmark Futures Contract trades in units of 10,000 million British thermal units (''mmBtu'') and is based on delivery at the Henry Hub in Louisiana, the nexus of 16 intra and interstate natural gas pipeline systems that draw supplies from the region's prolific gas deposits.[7] The pipelines serve markets throughout the U.S. East Coast, the Gulf Coast, the Midwest, and up to the Canadian border.

Because of the volatility of natural gas prices, a vigorous basis market has developed in the pricing relationships between the Henry Hub and other important natural gas market centers in the continental United States and Canada. The NYMEX makes available for trading a series of basis swap futures contracts that are quoted as price differentials between approximately 30 natural gas pricing points and the Henry Hub. The basis contracts trade in units of 2,500 mmBtu on the NYMEX ClearPort® trading platform. Transactions can also be consummated off NYMEX and submitted to the NYMEX for clearing via the NYMEX ClearPort®[8] clearing website as an exchange of futures for physicals or an exchange of futures for swaps transactions.

The price of natural gas during the period January 1995 through October 2006, ranged from a high of $28.38 in January 2004 to a low of $1.01 in December 1998. As of November 9, 2006 the spot price was $7.24. Annual daily contract volume on the NYMEX from 2001 through October 2006 was: 47,457; 97,431; 76,148; 70,048; 76,265; and 102,097, respectively.

WTI Light, Sweet Crude Oil. The Exchange states that Crude oil is the world's most actively traded commodity. The oil futures contracts for light, sweet crude oil that are traded on the NYMEX are the world's most liquid forum for crude oil trading, as well as the most liquid futures contracts on a physical commodity. Due to the liquidity and price transparency of oil Futures Contracts, they are used as a principal international pricing benchmark. The oil futures contracts for West Texas Intermediate (''WTI'') light, sweet crude oil is traded on the NYMEX in units of 1,000 U.S. barrels (42,000 gallons) and, if not closed out before maturity, will result in delivery of oil to Cushing, Oklahoma, which is also accessible to the world market by two major interstate petroleum pipeline systems.

The Exchange states that the price of crude oil is established by the supply and demand conditions in the global market overall, and more particularly, in the main refining centers of Singapore, Northwest Europe, and the U.S. Gulf Coast. Demand for petroleum products by consumers, as well as agricultural, manufacturing, and transportation industries, determines demand for crude oil by refiners. Since the precursors of product demand are linked to economic activity, crude oil demand will tend to reflect economic conditions. However, other factors such as weather also influence product and crude oil demand.

The price of WTI light, sweet crude oil has historically exhibited periods of significant volatility. The price of WTI light, sweet crude oil during the period January 1995 through October 2006, ranged from a high of $77.03 in July 2006 to a low of $10.76 in December 1998. As of November 9, 2006, the spot price was $61.16. Annual daily contract volume on the NYMEX from 2001 through October 2006 was: 49,028; 182,718; 181,748; 212,382; 237,651; and 298,734, respectively.

Heating Oil. The Exchange states that heating oil, also known as No. 2 fuel oil, accounts for 25% of the yield of a barrel of crude oil, the second largest ''cut'' from oil after gasoline. The heating oil futures contract, listed and traded on NYMEX, trades in units of 42,000 gallons (1,000 barrels) and is based on delivery in New York harbor, the principal cash market center. The price of heating oil is volatile.

The price of heating oil during the period January 1995 through October 2006, ranged from a high of $215.85 in September 2006 to a low of $28.50 in February 1999. As of November 9, 2006, the spot price was $169.31. Annual daily contract volume on the NYMEX from 2001 through October 2006 was: 41,710; 42,781; 46,327; 51,745; 52,333; and 60,024, respectively.

Gasoline. The Exchange states that gasoline is the largest single volume refined product sold in the U.S. and accounts for almost half of national oil

[6] The Benchmark Futures Contracts will be changed or ''rolled'' from the near month contract to expire over to the next month to expire over a four (4) day period.

[7] In practice, few natural gas Futures Contracts result in delivery of the underlying natural gas.

[8] The NYMEX ClearPort[sm] is an electronic trading platform, through which a slate of energy futures contracts are available for competitive trading.

consumption. The gasoline Futures Contract, listed and traded on the NYMEX, trades in units of 42,000 gallons (1,000 barrels) and is based on delivery at petroleum products terminals in the New York harbor, the major East Coast trading center for imports and domestic shipments from refineries in the New York harbor area or from the Gulf Coast refining centers. The price of gasoline is volatile.

The price of gasoline during the period January 1995 through October 2006, ranged from a high of $2.70 in September 2006 to a low of $0.3258 in December 1998. As of November 9, 2006, the spot price was $1.71. Annual daily contract volume on the NYMEX from 2001 through October 2006 was: 38,033; 43,919; 44,688; 51,315; 52,456; and 44,996, respectively.

Futures Regulation

The Exchange states that the Commodity Exchange Act (''CEA'') governs the regulation of commodity interest transactions, markets, and intermediaries. The CEA, as amended by the Commodity Futures Modernization Act of 2000, requires commodity futures exchanges to have rules and procedures to prevent market manipulation, abusive trade practices, and fraud. The Commodity Futures Trading Commission (''CFTC'') administers the CEA and conducts regular reviews and inspections of the futures exchanges' enforcement programs.

The Exchange states that the CEA provides for varying degrees of regulation of commodity interest transactions, depending upon the variables of the transaction. In general, these variables include: (1) The type of instrument being traded (*e.g.*, contracts for future delivery, options, swaps or spot contracts); (2) the type of commodity underlying the instrument (distinctions are made between instruments based on agricultural commodities, energy and metals commodities, and financial commodities);

(3) the nature of the parties to the transaction (retail, eligible contract participant, or eligible commercial entity); (4) whether the transaction is entered into on a principal-to-principal or intermediated basis; (5) the type of market on which the transaction occurs; and (6) whether the transaction is subject to clearing through a clearing organization.

Non-U.S. futures exchanges differ in certain respects from their U.S. counterparts. In contrast to U.S. designated contract markets, some non-U.S. exchanges are principals' markets, where trades remain the liability of the traders involved, and the exchange or an affiliated clearing organization, if any, does not become substituted for any party. Due to the absence of a clearing system, such exchanges are significantly more susceptible to disruptions. Further, participants in such markets must often satisfy themselves as to the individual creditworthiness of each entity with which they enter into a trade. Trading on non-U.S. exchanges is often in the currency of the exchange's home jurisdiction.

The CFTC and U.S. designated contract markets have established accountability levels and position limits on the maximum net long or net short Futures Contracts position that any person or group of persons under common trading control (other than a hedger) may hold, own or control in commodity interests. Among the purposes of accountability levels and position limits is to prevent a corner or squeeze on a market or undue influence on prices by any single trader or group of traders.

The Exchange states that most U.S. futures exchanges limit the amount of fluctuation in some futures contract or options on futures contract prices during a single trading period. These regulations specify what are referred to as daily price fluctuation limits (*i.e.*, daily limits). The daily limits establish the maximum amount that the price of a futures contract or options on futures contract may vary either up or down from the previous day's settlement price. Once the daily limit has been reached in a particular futures contract or option on a futures contract, no trades may be made at a price beyond the limit.

The Exchange states that most Commodity prices are volatile and, although ultimately determined by the interaction of supply and demand, are subject to many other influences, including the psychology of the marketplace and speculative assessments of future world and economic events. Political climate, interest rates, treaties, balance of payments, exchange controls, and other governmental interventions as well as numerous other variables affect the commodity markets, and even with complete information it is impossible for any trader to reliably predict commodity prices.

A portion of USNG's assets may be employed to enter into OTC transactions based on natural gas, oil, and other petroleum-based fuels. OTC transactions are subject to little, if any, regulation. OTC contracts are typically traded on a principal-to-principal basis through dealer markets that are dominated by the major money center and investment banks and other institutions. In connection with the trading of OTC instruments, USNG will not receive the protection of the CEA. The markets for OTC contracts rely upon the integrity of market participants as well as contractual margin payments, collateral, and/or credit supports in lieu of additional regulation.

Structure and Regulation of USNG

USNG, a Delaware limited partnership formed in September 2006, is a commodity pool that will invest in Natural Gas Interests.[9] It is operated by Victoria Bay, a single member Delaware limited liability company, which is wholly owned by Wainwright Holdings, Inc. The General Partner is registered as a commodity pool operator (''CPO'') with the CFTC and is a member of the National Futures Association (the ''NFA'').

Information regarding USNG and the General Partner, as well as detailed descriptions of the manner in which the Units will be offered and sold, and the investment strategy of USNG, are included in the registration statement regarding the offering of the Units filed with the Commission under the Securities Act of 1933.[10]

Clearing Broker. A CFTC-registered futures commission merchant (''FCM'') will execute and clear USNG's futures contract transactions, hold the margin related to its Futures Contracts investments and perform certain administrative services for USNG (the ''Clearing Broker''). USNG may use other FCMs as its investments increase or as may be required to trade particular Natural Gas Interests.

Administrator and Custodian. Under separate agreements with USNG, Brown Brothers Harriman & Co. will serve as USNG's administrator, registrar, transfer agent, and custodian (the ''Administrator'' or ''Custodian''). The Administrator will perform or supervise the performance of services necessary for the operation and administration of USNG. These services include, but are not limited to, investment accounting, financial reporting, broker and trader reconciliation, calculation of the NAV, and valuation of Treasuries and cash equivalents used to purchase or redeem Units and other USNG assets or liabilities. As Custodian, it: (i) Will receive payments from purchasers of Creation Baskets; (ii) will make

[9] USNG is not an investment company as defined in Section 3(a) of the Investment Company Act of 1940.

[10] *See* Form S–1 filed with the Commission on October 6, 2006 (File No. 333–137871).

payments to Sellers for Redemption Baskets, as described below; and (iii) will hold the cash, cash equivalents, and Treasuries of USNG, as well as collateral posted by USNG's derivatives counterparties, and will make transfers of margin and collateral with respect to USNG's investments to and from its FCMs or counterparties.

Marketing Agent. A registered broker-dealer will be the marketing agent for USNG (''Marketing Agent''). The Marketing Agent, on behalf of USNG, will continuously offer Creation and Redemption Baskets and will receive and process orders from Authorized Purchasers (as defined below) and coordinate the processing of orders for the creation or redemption of Units with the General Partner and the Depository Trust Company (''DTC'').

Investment Strategy

USNG will pursue its investment objective by investing its assets in Futures Contracts and Other Natural Gas Related Investments to the fullest extent possible without being leveraged or unable to satisfy its current or potential margin or collateral obligations with respect to those investments. USNG will attempt to manage its investments so that changes in percentage terms of a Unit's net asset value reflect the changes in percentage terms of the price of natural gas delivered at the Henry Hub, Louisiana as measured by the Benchmark Futures Contract, that is the near month expiration contract, except when the near month contract is within two weeks of expiration, in which case it will invest in the next expiration month. In connection with tracking the price of the Benchmark Futures Contract, the General Partner will endeavor to place USNG's trades in Futures Contracts and Other Natural Gas Related Investments and otherwise manage USNG's investments so that ''A'' will be within ±10 percent of ''B'', where:

- ''A'' is the average daily change in USNG's NAV for any period of 30 successive valuation days, *i.e.*, any day as of which USNG calculates its NAV; and
- ''B'' is the average daily change in the price of the Benchmark Futures Contract over the same period.

The Benchmark Futures Contract will be changed or ''rolled'' from the near expiration month contract to the next month expiration ratably over a four (4) day period. The changes in the Benchmark Futures Contract will occur two (2) weeks prior to the expiration of the nearest contract month. Thereafter, the calculation of the movement in the Benchmark Futures Contract will be based solely on the next month expiration contract.

The Exchange believes that market arbitrage opportunities should cause USNG's Unit price to closely track USNG's per Unit NAV which is targeted at the current Benchmark Futures Contract.

Investments. USNG believes that it will be able to use a combination of Futures Contracts and Other Natural Gas Related Investments to manage the portfolio to achieve its investment objective. USNG further anticipates that the exact mix of Futures Contracts and Other Natural Gas Related Investments held by the portfolio will vary over time depending on, among over things, the amount of invested assets in the portfolio, price movements of natural gas, the rules and regulations of the various futures and commodities exchanges and trading platforms that deal in Natural Gas Interests, and innovations in the Natural Gas Interests' marketplace including both the creation of new Natural Gas Interest investment vehicles, and the creation of new trading venues that trade in Natural Gas Interests.

Futures Contracts. The principal Natural Gas Interests to be invested in by USNG are Futures Contracts. USNG initially expects to purchase the Benchmark Futures Contract. USNG may also invest in Futures Contracts in crude oil, heating oil, gasoline, and other petroleum-based fuels that are traded on the NYMEX, ICE Futures or other U.S. and foreign exchanges.

The Benchmark Futures Contract has historically closely tracked the investment objective of USNG over both the short-term, medium-term, and the long-term. For that reason, USNG anticipates making significant investments in the Benchmark Futures Contract. The Exchange notes that the General Partner states that other Futures Contracts have also tended to track the investment objective of USNG, though not as closely as the Benchmark Futures Contract.

Other Natural Gas Related Investments. USNG may also purchase Other Natural Gas-Related Investments such as cash-settled options on Futures Contracts, forward contracts for natural gas, and over-the-counter transactions that are based on the price of natural gas, oil and other petroleum-based fuels, Futures Contracts, and indices based on the foregoing. Option contracts offer investors and hedgers another vehicle for managing exposure to the natural gas market. USNG may purchase options on natural gas Futures Contracts on the principal commodities and futures exchanges in pursuing its investment objective.

The Exchange states that in addition to these listed options, there also exists an active OTC market in derivatives linked to natural gas. These OTC derivative transactions are privately-negotiated agreements between two (2) parties. Unlike Futures Contracts or related options, each party to an OTC contract bears the credit risk that the counterparty may not be able to perform its obligations.

Some OTC contracts contain fairly generic terms and conditions and are available from a wide range of participants, while other OTC contracts have highly customized terms and conditions and are not as widely available. Many OTC contracts are cash-settled forwards for the future delivery of natural gas or petroleum-based fuels that have terms similar to the Futures Contracts. Others take the form of ''swaps'' in which the two parties exchange cash flows based on pre-determined formulas tied to the price of natural gas as determined by the spot, forward or futures markets. USNG may enter into OTC derivative contracts whose value will be tied to changes in the difference between the natural gas spot price, the price of Futures Contracts traded on NYMEX and the prices of non-NYMEX Futures Contracts that may be invested in by USNG.

Counterparty Procedures. To protect itself from the credit risk that arises in connection with such contracts, USNG will enter into agreements with each counterparty that provide for the netting of its overall exposure to its counterparty and/or provide collateral or other credit support to address USNG's exposure. The counterparties to an OTC contract will generally be major broker-dealers and banks or their affiliates, though certain institutions, such as large energy companies or other institutions active in the natural gas commodities markets, may also be counterparties. The General Partner will assess or review, as appropriate, the creditworthiness of each potential or existing counterparty to an OTC contract pursuant to guidelines approved by the General Partner's board of directors. Furthermore, the General Partner on behalf of USNG will only enter into OTC contracts with: (a) Members of the Federal Reserve System or foreign banks with branches regulated by the Federal Reserve Board; (b) primary dealers in U.S. government securities; (c) broker-dealers; (d) commodities futures merchants; or (e) affiliates of the foregoing.

USNG anticipates that the use of Other Natural Gas Related Investments

together with its investments in Futures Contracts will produce price and total return results that closely track the investment objective of USNG.

Cash, Cash Equivalents, and Treasuries. USNG will invest virtually all of its assets not invested in Natural Gas Interests, in cash, cash equivalents, and Treasuries with a remaining maturity of two years or less. The cash, cash equivalents, and Treasuries will be available to be used to meet USNG's current or potential margin and collateral requirements with respect to its investments in Natural Gas Interests. USNG will not use cash, cash equivalents, and Treasuries as margin for new investments unless it has a sufficient amount of cash, cash equivalents, and Treasuries to meet the margin or collateral requirements that may arise due to changes in the value of its currently held Natural Gas Interests. Other than in connection with a redemption of Units, USNG does not intend to distribute cash or property to its Unit holders. Interest earned on cash, cash equivalents, and Treasuries held by USNG will be retained by it to pay its expenses, to make investments to satisfy its investment objectives, or to satisfy its margin or collateral requirements.

Impact of Accountability Levels and Position Limits. The CFTC and U.S. designated contract markets such as the NYMEX have established accountability levels and position limits on the maximum net long or net short Futures Contracts that any person or group of persons under common trading control (other than hedgers) may hold, own or control in commodity interests. The Exchange states that accountability levels and position limits are intended among other things, to prevent a corner or squeeze on a market or undue influence on prices by any single trader or group of traders. The net position is the difference between an individual or firm's open long contracts and open short contracts in any one commodity.

The Exchange states that most U.S. futures exchanges also limit the amount of fluctuation in the prices of some futures contracts or options on futures contracts during a single trading day. These regulations specify what are referred to as daily price fluctuation limits (*i.e.*, daily limits). The daily limits establish the maximum amount that the price of a futures contract or an option on a futures contract may vary either up or down from the previous day's settlement price. Once the daily limit has been reached in a particular futures contract or option on a futures contract, no trades may be made at a price beyond the limit.

The accountability levels for the Benchmark Futures Contract and other Futures Contracts traded on NYMEX are not a fixed ceiling, but rather a threshold above which the NYMEX may exercise greater scrutiny and control over an investor's positions. The current accountability level for the Benchmark Futures Contract is 12,000 contracts. If USNG exceeds this accountability level for the Benchmark Futures Contract, NYMEX will monitor USNG's exposure and ask for further information on USNG's activities including the total size of all positions, investment and trading strategy, and the extent of USNG's liquidity resources. If deemed necessary by NYMEX, it could also order USNG to reduce its position back to the accountability level.

If NYMEX orders USNG to reduce its position back to the accountability level, or to an accountability level that NYMEX deems appropriate for USNG, such an accountability level may impact the mix of investments in Natural Gas Interests made by USNG. To illustrate, assume that the Benchmark Futures Contract and the unit price of USNG are each $10, and that NYMEX has determined that USNG may not own more than 12,000 contracts. In such case, USNG could invest up to $1.2 billion of its daily net assets in the Benchmark Futures Contract (*i.e.*, $10 per contract multiplied by 10,000 (a Benchmark Futures Contract is a contract for 10,000 million British Thermal Units) multiplied by 12,000 contracts) before reaching the accountability level imposed by the NYMEX. Once the daily net assets of the portfolio exceed $1.2 billion in the Benchmark Futures Contract, the portfolio may not be able to make any further investments in the Benchmark Futures Contract, depending on whether the NYMEX imposes limits. If NYMEX does impose limits at the $1.2 billion level (or another level), USNG anticipates that it will invest the majority of its assets above that level in a mix of other Futures Contracts or Other Natural Gas-Related Investments.

The Exchange states that in addition to accountability levels, NYMEX imposes position limits on contracts held in the last few days of trading in the near month contract. It is unlikely that USNG will run up against such position limits because USNG's investment strategy is to exit from the near month contract over a four day period beginning two weeks from expiration of the contract.

The Markets for USNG's Units

There will be two markets for investors to purchase and sell Units. New issuances of the Units will be made only in baskets of 100,000 Units or multiples thereof (a ''Basket''). SNG will issue and redeem Baskets of the Units on a continuous basis, by or through participants who have each entered into an authorized purchaser agreement (''Authorized Purchaser Agreement'' and each such participant, an ''Authorized Purchaser'') [11] with the General Partner, at the NAV per Unit next determined after an order to purchase the Units in a Basket is received in proper form. Baskets may be issued and redeemed on any ''business day'' (defined as any day other than a day on which the Amex, the NYMEX or the New York Stock Exchange is closed for regular trading) through the Marketing Agent in exchange for cash and/or Treasuries, which the Custodian receives from Authorized Purchasers or transfers to Authorized Purchasers, in each case on behalf of USNG. Baskets are then separable upon issuance into identical Units that will be listed and traded on the Exchange.[12]

The Units will thereafter be traded on the Exchange similar to other equity securities. Units will be registered in book-entry form through DTC. Trading in the Units on the Exchange will be effected until 4:15 p.m. Eastern time (''ET'') each business day. The minimum trading increment for such units will be $.01.

Each Authorized Purchaser, and each distributor offering and selling newly issued Units as part of the distribution of such Units, is required to comply with the prospectus delivery and disclosure requirements of the Securities Act of 1933, as well as the requirements of the CEA including, the requirement that prospective investors provide an acknowledgement of receipt of such disclosure materials prior to the payment for any newly issued Units.

Calculation of the Basket Amount. Baskets will be issued in exchange for Treasuries and/or cash in an amount equal to the NAV per Unit times 100,000 Units (the ''Basket Amount''). Baskets will be delivered by the Marketing Agent to each Authorized Purchaser only after execution of the Authorized Purchaser Agreement. Units in a Basket are issued and redeemed in accordance with the Authorized

[11] An ''Authorized Purchaser'' is a person, who at the time of submitting to the Marketing Agent an order to create or redeem one or more Baskets: (i) Is a registered broker-dealer or other market participants, such as banks and other financial institutions, that are exempt from broker-dealer registration; (ii) is a DTC Participant; and (iii) has in effect a valid Authorized Participant Agreement.

[12] The Exchange expects that the number of outstanding Units will increase and decrease as a result of creations and redemptions of Baskets.

Purchaser Agreement. Authorized Purchasers that wish to purchase a Basket must transfer the Basket Amount, for each Basket purchased, to the Custodian (the ''Deposit Amount''). Authorized Purchasers that wish to redeem a Basket will receive an amount of Treasuries and/or cash in exchange for each Basket surrendered in an amount equal to the NAV per Basket (the ''Redemption Amount'').

On each business day, the Administrator will make available immediately prior to the opening of trading on the Exchange, the Basket Amount for the creation of a Basket based on the prior day's NAV. The Exchange will disseminate at least every 15 seconds throughout the trading day, via the facilities of the Consolidated Tape Association (''CTA''), an amount representing, on a per Unit basis, the current indicative value of the Basket Amount (*see* ''Indicative Partnership Value'' below). Shortly after 4 p.m. ET, the Administrator will determine the NAV for USNG as described below. At or about 4 p.m. ET on each business day, the Administrator will determine the Basket Amount for orders placed by Authorized Purchasers received before 12 p.m. ET that day. Because orders to purchase and/or redeem Baskets must be placed by 12 p.m. ET, but the Basket Amount will not be determined until shortly after 4 p.m. ET, on the date the purchase order or redemption order, as applicable, is received, Authorized Participants will not know the total payment required to create or redeem a Basket, as applicable, at the time they submit such irrevocable purchase and/or redemption order. This is similar to exchange-traded funds and mutual funds. USNG's registration statement discloses that NAV and the Basket Amount could rise and fall substantially between the time an irrevocable purchase order and/or redemption order is submitted and the time the Basket Amount is determined.

Shortly after 4 p.m. ET on each business day, the Administrator, Amex and the General Partner will disseminate the NAV for the Units and the Basket Amount (for orders placed during the day). The Basket Amount and the NAV are communicated by the Administrator to all Authorized Purchasers via facsimile or electronic mail message. The Amex will also disclose the NAV and Basket Amount on its Web site at *http://www.amex.com*. The Basket Amount necessary for the creation of a Basket will change from day to day. On each day that the Amex is open for regular trading, the Administrator will adjust the Deposit Amount as appropriate to reflect the prior day's Partnership NAV and accrued expenses. The Administrator will then determine the Deposit Amount for a given business day.[13]

Calculation of USNG's NAV. The Administrator will calculate NAV as follows: (1) Determine the current value of USNG assets and (2) subtract the liabilities of USNG. The NAV will be calculated shortly after the close of trading on the Exchange using the settlement value [14] of Futures Contracts traded on the NYMEX as of the close of open-outcry trading on the NYMEX at 2:30 p.m. ET, and for the value of other Natural Gas Interests, Treasuries and cash equivalents, the value of such investments as of the earlier of 4 p.m. New York time or the close of trading on the New York Stock Exchange. The NAV is calculated by including any unrealized profit or loss on Futures Contracts and Other Natural Gas Related Investments and any other credit or debit accruing to USNG but unpaid or not received by USNG. The NAV is then used to compute all fees (including the management and administrative fees) that are calculated from the value of Partnership assets. The Administrator will calculate the NAV per Unit by dividing the NAV by the number of Units outstanding.

When calculating NAV for USNG, the Administrator will value Futures Contracts based on the closing settlement prices quoted on the relevant commodities and futures exchange and obtained from various market data vendors such as Bloomberg or Reuters. The value of the Other Natural Gas Related Investments for purposes of determining the NAV will be based upon the determination of the Administrator as to the fair market value. Certain types of Other Natural Gas Related Investments, such as listed options on Futures Contracts, have closing prices that are available from the exchange upon which they are traded or from various market data vendors. Other Natural Gas Related Investments will be valued based on the last sale price on the exchange or market where traded. If a contract fails to trade, the value shall be the most recent bid quotation from the third party source. Some types of Other Natural Gas Related Investments, such as natural gas forward contracts do not trade on established exchanges, but typically have prices that are widely available from third-party sources. The Administrator may make use of such third-party sources in calculating a fair market value of these Other Natural Gas Related Investments.

Certain types of Other Natural Gas Related Investments, such as OTC derivative contracts such as ''swaps'' also do not have established exchanges upon which they trade and may not have readily available price quotes from third parties. Swaps and other similar derivative or contractual-type instruments will be first valued at a price provided by a single broker or dealer, typically the counterparty. If no such price is available, the contract will be valued at a price at which the counterparty to such contract could repurchase the instrument or terminate the contract. In determining the fair market value of such derivative contracts, the Administrator may make use of quotes from other providers of similar derivatives. If these are not available, the Administrator may calculate a fair market value of the derivative contract based on the terms of the contract and the movement of the underlying price factors of the contract.

Calculation and Payment of the Deposit Amount. The Deposit Amount of Treasuries and/or cash will be in the same proportion to the total net assets of USNG as the number of Units to be created is in proportion to the total number of Units outstanding as of the date the purchase order is accepted. The General Partner will determine the requirements for the Treasuries that may be included in the Deposit Amount and will disseminate these requirements at the start of each business day. The amount of cash that is required is the difference between the aggregate market value of the Treasuries required to be included in the Deposit Amount as of 4 p.m. ET on the date of purchase and the total required deposit.

All purchase orders must be received by the Marketing Agent by 12 p.m. ET for consideration on that business day. Delivery of the Deposit Amount, *i.e.*, Treasuries and/or cash, to the Administrator must occur by the third business day following the purchase order date (T+3).[15] Thus, the General Partner will disseminate shortly after 4 p.m. ET on the date the purchase order was properly submitted, the amount of Treasuries and/or cash to be deposited with the Custodian for each Basket.

Calculation and Payment of the Redemption Amount. The Units will not be individually redeemable but will only be redeemable in Baskets. To redeem, an Authorized Purchaser will

[13] The Exchange will obtain a representation from USNG that its NAV per Unit will be calculated daily and made available to all market participants at the same time.

[14] *See* Rule 6.52A of the NYMEX Rulebook.

[15] Authorized Purchasers are required to pay a transaction fee of $1,000 for each order to create one or more Baskets.

be required to accumulate enough Units to constitute a Basket (*i.e.*, 100,000 Units). An Authorized Purchaser redeeming a Basket will receive the Redemption Amount. Upon the surrender of the Units and payment of applicable redemption transaction fee,[16] taxes or charges, the Custodian will deliver to the redeeming Authorized Purchaser the Redemption Amount. The Redemption Amount of Treasuries and/or cash will be in the same proportion to the total net assets of USNG as the number of Units to be redeemed is in proportion to the total number of Units outstanding as of the date the redemption order is accepted. The General Partner will determine the Treasuries to be included in the Redemption Amount. The amount of cash that is required is the difference between the aggregate market value of the Treasuries required to be included in the Redemption Amount as of 4 p.m. ET on the date of redemption and the total Redemption Amount. All redemption orders must be received by the Marketing Agent by 12 p.m. ET on the business day redemption is requested and are irrevocable. Delivery of the Basket to be redeemed to the Custodian and payment of Redemption Amount will occur by the third business day following the redemption order date (T+3).

Arbitrage

The Exchange believes that the Units will not trade at a material discount or premium to a Unit's NAV based on potential arbitrage opportunities. Due to the fact that the Units can be created and redeemed only in Baskets at NAV, the Exchange submits that arbitrage opportunities should provide a mechanism to mitigate the effect of any premiums or discounts that may exist from time to time.

Dissemination and Availability of Information

Futures Contracts. The daily settlement prices for the NYMEX traded Futures Contracts held by USNG are publicly available on the NYMEX website at *http://www.nymex.com*. The Exchange on its website at *http://www.amex.com* will also include a hyperlink to the NYMEX website for the purpose of disclosing futures contract pricing. In addition, various market data vendors and news publications publish futures prices and related data. The Exchange represents that quote and last sale information for the Futures Contracts are widely disseminated through a variety of market data vendors worldwide, including Bloomberg and Reuters. In addition, the Exchange further represents that real-time futures data is available by subscription from Reuters and Bloomberg. The NYMEX also provides delayed futures information on current and past trading sessions and market news free of charge on its Web site. The specific contract specifications for the Futures Contracts are also available on the NYMEX website and the ICE Futures Web site at *http://www.icefutures.com*.

USNG Units. The Web site for the Exchange at *http://www.amex.com*, which is publicly accessible at no charge, will contain the following information: (1) The prior business day's NAV and the reported closing price; (2) the mid-point of the bid-ask price[17] in relation to the NAV as of the time the NAV is calculated (the ''Bid-Ask Price''); (3) calculation of the premium or discount of such price against such NAV; (4) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four (4) previous calendar quarters; (5) the prospectus and the most recent periodic reports filed with the SEC or required by the CFTC; and (6) other applicable quantitative information.

Portfolio Disclosure. USNG's total portfolio composition will be disclosed, each business day that the Amex is open for trading, on USNG's website at *http://www.unitedstatesnaturalgasfund.com*. USNG expects that website disclosure of portfolio holdings will be made daily and will include, as applicable, the name and value of each Natural Gas Interest, the specific types of Natural Gas Interests and characteristics of such Natural Gas Interests, Treasuries, and amount of cash and cash equivalents held in the portfolio of USNG. The public Web site disclosure of the portfolio composition of USNG will coincide with the disclosure by the Administrator on each business day of the NAV for the Units and the Basket Amount (for orders placed during the day). Therefore, the same portfolio information will be provided on the public Web site as well as in the facsimile or electronic mail message to Authorized Purchasers containing the NAV and Basket Amount (''Daily Dissemination''). The format of the public Web site disclosure and the Daily Dissemination will differ because the public Web site will list all portfolio holdings while the Daily Dissemination will provide the portfolio holdings in a format appropriate for Authorized Purchasers, *i.e.*, the exact components of a Creation Unit.

As described above, the NAV for USNG will be calculated and disseminated daily.[18] The Amex also intends to disseminate for USNG on a daily basis by means of CTA/CQ High Speed Lines information with respect to the Indicative Partnership Value (as discussed below), recent NAV, Units outstanding, the Basket Amount, and the Deposit Amount. The Exchange will also make available on its Web site daily trading volume, closing prices, and the NAV. The closing price and settlement prices of the Futures Contracts held by USNG are also readily available from the NYMEX, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. In addition, the Exchange will provide a hyperlink on its Web site at *http://www.amex.com* to USNG's Web site.

Indicative Partnership Value. In order to provide updated information relating to USNG for use by investors, professionals, and persons wishing to create or redeem the Units, the Exchange will disseminate through the facilities of the CTA an updated Indicative Partnership Value (the ''Indicative Partnership Value''). The Indicative Partnership Value will be disseminated on a per Unit basis at least every fifteen seconds during the regular Amex trading hours of 9:30 a.m. to 4:15 p.m. ET. The Indicative Partnership Value will be calculated based on the Treasuries and cash required for creations and redemptions (*i.e.*, NAV per limit x 100,000) adjusted to reflect the price changes of the Benchmark Futures Contract.

The Indicative Partnership Value will not reflect price changes to the price of the Benchmark Futures Contract between the close of open-outcry trading of such contract on the NYMEX at 2:30 p.m. ET and the open of trading on the NYMEX ACCESS market at 3:15 p.m. ET. The Indicative Partnership Value after 3:15 p.m. ET[19] will reflect changes to the Benchmark Futures Contract as provided for through NYMEX ACCESS. The value of a Unit

[16] *Id.*

[17] The Bid-Ask Price of Units is determined using the highest bid and lowest offer as of the time of calculation of the NAV.

[18] The Exchange will obtain a representation from USNG that its NAV per Unit will be calculated daily and made available to all market participants at the same time.

[19] NYMEX ACCESS®, an electronic trading system, is open for price discovery on the Benchmark Futures Contract each Monday through Thursday at 3:15 p.m. ET through the following morning at 9:30 a.m. E.T., and from 7 p.m. Sunday night until Monday morning 9:30 a.m. E.T.

may accordingly be influenced by non-concurrent trading hours between the Amex and NYMEX. While the Units will trade on the Amex from 9:30 a.m. to 4:15 p.m. ET, the Benchmark Futures Contract will trade, in open-outcry, on the NYMEX from 10 a.m. ET to 2:30 pm ET and NYMEX ACCESS from 3:15 p.m. ET through the following morning 9:30 a.m. ET.

While the NYMEX is open for trading, the Indicative Partnership Value can be expected to closely approximate the value per unit of the Basket Amount. However, during Amex trading hours when the Futures Contracts have ceased trading, spreads and resulting premiums or discounts may widen, and therefore, increase the difference between the price of the Units and the NAV of the Units. The Exchange submits that the Indicative Partnership Value on a per Unit basis disseminated during Amex trading hours should not be viewed as a real-time update of the NAV, which is calculated only once a day. The Exchange believes that dissemination of the Indicative Partnership Value based on the cash amount required for a Basket provides additional information that is not otherwise available to the public and is useful to professionals and investors in connection with the Units trading on the Exchange or the creation or redemption of the Units.

Partnership Termination Events

USNG will continue in effect from the date of its formation in perpetuity, unless sooner terminated upon the occurrence of any one or more of the following circumstances: (1) The death, adjudication of incompetence, bankruptcy, dissolution, withdrawal, or removal of a general partner who is the sole remaining general partner, unless a majority in interest of limited partners within 90 days after such event elects to continue USNG and appoints a successor general partner; or (2) the affirmative vote to terminate USNG by a majority in interest of the limited partners subject to certain conditions.

Upon termination of USNG, holders of the Units will surrender their Units and the assets of USNG shall be distributed to the Unit holders pro rata in accordance with the value of the Units, in cash or in kind, as determined by the General Partner.

Disclosure

The Exchange, in an Information Circular (described below) to Exchange members and member organizations, will inform members and member organizations, prior to the commencement of trading, of the prospectus delivery requirements applicable to USNG. The Exchange notes that investors purchasing Units directly from USNG (by delivery of the Deposit Amount) will receive a prospectus. Amex members purchasing Units from USNG for resale to investors will deliver a prospectus to such investors.

Purchase and Redemptions in Baskets

In the Information Circular, members and member organizations will be informed that procedures for purchases and redemptions of Units in Baskets are described in the Prospectus and that Units are not individually redeemable but are redeemable only in Baskets or multiples thereof.

Listing and Trading Rules

USNG will be subject to the criteria in Rule 1502 for initial and continued listing of the Units. The Exchange will require a minimum of 100,000 Units to be outstanding at the start of trading. The Exchange expects that the initial price of a Unit will be $50.00.[20] The Exchange believes that the anticipated minimum number of Units outstanding at the start of trading is sufficient to provide adequate market liquidity and to further USNG's objective to seek to provide a simple and cost effective means of accessing the commodity futures markets. The Exchange represents that it prohibits the initial and/or continued listing of any security that is not in compliance with Rule 10A–3 under the Act.[21] The Exchange will file a proposed rule change with the Commission pursuant to Rule 19b–4 under the 1934 Act seeking approval to continue trading the Units and, unless approved, the Exchange will commence delisting the Units if more than a temporary disruption exists in connection with the pricing of the Benchmark Futures Contract or the calculation or dissemination of the NAV is more than temporarily disrupted, or the NAV is not disseminated to all market participants at the same time.

The Amex original listing fee applicable to the listing of USNG is $5,000. In addition, the annual listing fee applicable under Section 141 of the Amex Company Guide will be based upon the year-end aggregate number of Units in all series of USNG outstanding at the end of each calendar year.

Amex Rule 154, Commentary .04(c) provides that stop and stop limit orders to buy or sell a security (other than an option, which is covered by Rule 950(f) and Commentary thereto) the price of which is derivatively priced based upon another security or index of securities, may with the prior approval of a Floor Official, be elected by a quotation, as set forth in Commentary .04(c) (i–v). The Exchange has designated the Units as eligible for this treatment.[22]

The Units will be deemed ''Eligible Securities'', as defined in Amex Rule 230, for purposes of the Intermarket Trading System Plan and therefore will be subject to the trade through provisions of Amex Rule 236, which requires that Amex members avoid initiating trade-throughs for ITS securities.

Specialist transactions of the Units made in connection with the creation and redemption of Units will not be subject to the prohibitions of Amex Rule 190.[23] The Units will not be subject to the short sale rule, Rule 10a–1 under the Act, pursuant to no-action relief granted.[24] If exemptive or no-action relief is provided, the Exchange will issue a notice detailing the terms of the exemption or relief. The Units will generally be subject to the Exchange's stabilization rule, Amex Rule 170, except that specialists may buy on ''plus ticks'' and sell on ''minus ticks,'' in order to bring the Units into parity with the underlying commodity or commodities and/or futures contract price. Proposed Commentary .01 to Amex Rule 1503 sets forth this limited exception to Rule 170.

The Exchange submits that its surveillance procedures are adequate to deter and detect violations of Exchange rules relating to the trading of the Units. The surveillance procedures for the Units will be similar to those used for units of the United States Oil Fund, LP as well as other commodity-based trusts, trust issued receipts (''TIR''s) and exchange-traded funds. In addition, the surveillance procedures will incorporate and rely upon existing Amex surveillance procedures governing options and equities.

Amex Rule 1503 relating to certain specialist prohibitions will address potential conflicts of interest in

[20] USNG expects that the initial Authorized Purchaser will purchase the initial Basket of 100,000 Units at the initial offering price per Unit of $50.00. On the date of the public offering and thereafter, USNG will continuously issue Units in Baskets of 100,000 Units to Authorized Purchasers at NAV.

[21] *See* 17 CFR 240.10A–3.

[22] *See* Securities Exchange Act Release No. 29063 (April 10, 1991), 56 FR 15652 (April 17, 1991) (SR–Amex 90–31) at note 9, regarding the Exchange's designation of equity derivative securities as eligible for such treatment under Amex Rule 154, Commentary .04(c).

[23] *See* Commentary .05 to Amex Rule 190.

[24] *See* letter to George T. Simon, Esq. Foley & Lardner, LLP, from Racquel L. Russell, Branch Chief, Office of Trading Practices and Processing, Commission, dated June 21, 2006.

connection with acting as a specialist in the Units. Specifically, Rule 1503 provides that the prohibitions in Rule 175(c) apply to a specialist in the Units so that the specialist or affiliated person may not act or function as a market-maker in an underlying asset, related futures contract or option or any other related derivative. An affiliated person of the specialist consistent with Rule 193 may be afforded an exemption to act in a market making capacity, other than as a specialist in the Units on another market center, in the underlying asset, related futures or options or any other related derivative. In particular, Amex Rule 1503 provides that an approved person of an equity specialist that has established and obtained Exchange approval for procedures restricting the flow of material, non-public market information between itself and the specialist member organization, and any member, officer, or employee associated therewith, may act in a market making capacity, other than as a specialist in the Units on another market center, in the underlying asset or commodity, related futures or options on futures, or any other related derivatives.

Amex Rule 1504 will also ensure that specialists handling the Units provide the Exchange with all the necessary information relating to their trading in physical assets or commodities, related futures contracts and options thereon or any other derivative. As a general matter, the Exchange has regulatory jurisdiction over its members, member organizations and approved persons of a member organization. The Exchange also has regulatory jurisdiction over any person or entity controlling a member organization as well as a subsidiary or affiliate of a member organization that is in the securities business. A subsidiary or affiliate of a member organization that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

Trading Halts

If the Indicative Partnership Value is not being disseminated by one or more major market data vendors, the Exchange may halt trading during the day in which the interruption to the dissemination of such Indicative Partnership Value occurs. If the interruption to the dissemination of an Indicative Partnership Value persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

Prior to the commencement of trading, the Exchange will issue an Information Circular to members informing them of, among other things, Exchange policies regarding trading halts in the Units. First, the Information Circular will advise that trading will be halted in the event the market volatility trading halt parameters set forth in Amex Rule 117 have been reached. Second, the Information Circular will advise that, in addition to the parameters set forth in Rule 117, the Exchange will halt trading in the Units if trading in the underlying Futures Contract(s) is halted or suspended. Third, with respect to a halt in trading that is not specified above, the Exchange may also consider other relevant factors and the existence of unusual conditions or circumstances that may be detrimental to the maintenance of a fair and orderly market.

Suitability

The Information Circular will inform members and member organizations of the characteristics of USNG Units and of applicable Exchange rules, as well as of the requirements of Amex Rule 411 (Duty to Know and Approve Customers).

The Exchange notes that pursuant to Rule 411, members and member organizations are required in connection with recommending transactions in the Units to have a reasonable basis to believe that a customer is suitable for the particular investment given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such member.

Information Circular

The Amex will distribute an Information Circular to its members in connection with the trading of the Units. The Information Circular will discuss the special characteristics of and risks of trading in the Units. Specifically, the Information Circular, among other things, will discuss what the Units are, how a basket is created and redeemed, the requirement that members and member firms deliver a prospectus to investors purchasing the Units prior to or concurrently with the confirmation of a transaction, applicable Amex rules, dissemination information regarding the per unit Indicative Partnership Value, trading information and applicable suitability rules. The Information Circular will also explain that USNG is subject to various fees and expenses described in the Registration Statement. The Information Circular will also reference the fact that there is no regulated source of last sale information regarding physical commodities, that the SEC has no jurisdiction over the trading of natural gas, crude oil, heating oil, gasoline or other petroleum-based fuels, and that the CFTC has regulatory jurisdiction over the trading of natural gas-based futures contracts and related options.

The Information Circular will also notify members and member organizations about the procedures for purchases and redemptions of Units in Baskets, and that Units are not individually redeemable but are redeemable only in Baskets or multiples thereof. The Information Circular will advise members of their suitability obligations with respect to recommended transactions to customers in the Units. The Information Circular will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

The Information Circular will disclose that the NAV for Units will be calculated shortly after 4 p.m. ET each trading day.

Surveillance

Exchange surveillance procedures applicable to trading in the proposed Units will be similar to those applicable to TIRs, Portfolio Depository Receipts, Index Fund Shares, and Partnership Units currently trading on the Exchange. The Exchange currently has in place an Information Sharing Agreement with the NYMEX and ICE Futures for the purpose of providing information in connection with trading in or related to futures contracts traded on the NYMEX and ICE Futures, respectively. To the extent that USNG invests in Natural Gas Interests traded on other exchanges, the Amex will seek to enter into Information Sharing arrangements with those particular exchanges.

2. Statutory Basis

The Amex believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Act [25] in general, and furthers the objectives of Section 6(b)(5),[26] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

mechanism of a free and open market and a national market system.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

The Amex has requested accelerated approval of this proposed rule change prior to the 30th day after the date of publication of the notice of the filing thereof. The Commission has determined that a 15-day comment period is appropriate in this case.

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 Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Amex–2006–112 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–Amex–2006–112. 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 the filing also will be available for inspection and copying at the principal office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2006–112 and should be submitted on or before March 21, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[27]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4040 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55373; File No. SR–BSE–2006–11]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendments No. 1 and 2 Relating to the Boston Options Exchange's Minor Rule Violation Plan

February 28, 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 March 6, 2006, the Boston Stock Exchange (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Exchange filed Amendments Nos. 1 and 2 to the proposed rule change on June 28, 2006, and July 14, 2006, respectively. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend and make additions to sections of the Boston Options Exchange (''BOX'') Rules related to its Minor Rule Violation Plan (''MRVP''). The text of the proposed rule change is available on BSE's Web site at *http://www.bostonstock.com/legal,* at BSE's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the BSE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Chapter X of its rules relating to the BOX MRVP to include five additional violations of BOX's rules governing Market Makers doing business on BOX and the Intermarket Linkage Rules. The rule proposal imposes sanctions for each violation, which become more significant with each additional violation occurring within a 24-month period.

These provisions impose sanctions in BOX Rule Chapter X, Section 2(e) for contrary exercise advice infractions of Chapter VII, Section 1(c), (d), (f), and (g); in Section 2(f) for locked and crossed market infringements of Chapter XII, Section 4; in Section 2(g) for Market Maker assigned activity violations of Chapter VI, Section 4(e); in Section 2(h) for a Market Maker's failure to respond to a request for a quote within the

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

designated time limit of Chapter VI, Section 6(b)(ii)–(iii); and in Section 2(i) for Inter-Market Linkage trade-through violations of Chapter XII, Section 3(a). The sanctions imposed would include the application of a fine for each violation and an increased fine amount for repeat violations. In the instance of a trade-through violation, the rule proposal would also allow BOX Regulation to require the Options Participant [3] to disgorge any gains from transactions in violation of the trade-through rules.

The Exchange believes that the proposed rule changes would strengthen its ability to carry out its oversight responsibilities as a self-regulatory organization and reinforce its surveillance and enforcement functions.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] in particular, in that it would promote just and equitable principles of trade, facilitate transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and 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 would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change 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 e-mail to *rule-comments@sec.gov*. Please include File Number SR–BSE–2006–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 10 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BSE–2006–11. 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 the BSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–BSE–2006–11 and should be submitted on or before March 28, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4041 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[3] *See* BOX Rule Chapter I, Section 1(a)(40) for definition of ''Options Participants.''

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55370; File No. SR–FICC–2007–01]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule To Interpret Rule 5 Section 6 of the Government Securities Division Rules

February 28, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 22, 2007, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by FICC. FICC filed the proposal pursuant to Section 19(b)(3)(A)(i) of the Act [2] and Rule 19b–4(f)(1) [3] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the rule change is to interpret Rule 5, Section 6 of the Government Securities Division (''GSD'') rules.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(i).

[3] 17 CFR 240.19b–4(f)(1).

[4] Rule 5, Section 6 of the GSD rules states in pertinent part, ''Each Comparison generated by the Corporation * * * shall evidence a valid, binding, and enforceable contract in respect of such Compared Trade.''

in Item IV below. FICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[5]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Rule 5, Section 6 of the GSD rules states in pertinent part that each comparison generated by GSD evidences a valid, binding, and enforceable contract with respect to such compared trade. This provision confirms the terms and conditions of the trade and the parties' agreement thereto and authorizes FICC to take further action with respect to the compared trade if required.

GSD members are always subject to all of the rights and obligations that arise under GSD's rules with respect to trades they submit to GSD. For example, if a trade is submitted for comparison-only processing, the submitting members, whether or not they executed the trade, are subject to the obligation to pay applicable fees and to other obligations that arise under the rules.[6] If a trade is submitted for netting, the submitting members, whether or not they executed the trade, are subject to the obligation to pay applicable fees, to post clearing fund collateral, and to satisfy funds-only, securities settlement, and other obligations that arise under the rules. The submitting members, and not the entity for which they are submitting trades, also have all the rights against FICC for novated settlement obligations. However, GSD's rules do not alter rights and obligations between a member and its customer outside of the clearing process.

For example, a hedge fund that is not a member of GSD executes a trade with a dealer (''Dealer A'') that is a GSD netting member. The hedge fund then notifies its prime broker (''Prime Broker'') that is also a GSD netting member about the trade that the Prime Broker is to settle on the hedge fund's behalf. Both Dealer A and the Prime Broker submit the trade to GSD. While Dealer A and Prime Broker are subject to all of the rights and obligations that arise under GSD's rules with respect to that trade, GSD's rules do not eliminate any rights and obligations that arise between Prime Broker and the hedge fund or Dealer A and the hedge fund outside of the clearing process.

The proposed rule change is consistent with Section 17A of the Act,[7] as amended, because it constitutes an interpretation with respect to the meaning of an existing rule.

(B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the propos ed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Act[8] and Rule 19b–4(f)(1)[9] thereunder because the rule constitutes an interpretation with respect to the meaning of an existing rule. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–FICC–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–FICC–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 those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549. Copies of such filings also will be available for inspection and copying at the principal office of FICC and on FICC's Web site at *http://www.ficc.com/commondocs/rule.filings/rule.filing.07-01.pdf.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FICC–2007–01 and should be submitted on or before March 28, 2007.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–3932 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[5] The Commission has modified the text of the summaries prepared by FICC.

[6] Members that submit trades for comparison-only processing are not subject to clearing fund, funds-only settlement, and securities settlement obligations under FICC's rules with respect to such comparison-only trades.

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A)(i).

[9] 17 CFR 240.19b–4(f)(1).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55376; File No. SR–ISE–2007–14]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change as Modified by Amendment No. 1 Thereto Relating to Re-Price Orders

February 28, 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 International Securities Exchange, LLC (''ISE'' 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 ISE. On February 16, 2007, ISE filed Amendment No. 1 to the proposed rule change.[3] The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [4] and Rule 19b–4(f)(6) thereunder,[5] 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 ISE is proposing to add a new order type for the ISE Stock Exchange that would prevent orders from being cancelled back to Equity Electronic Access Members (''Equity EAMs'') when the order would either cause a locked or crossed market if displayed or cause a trade-through if executed. The text of the proposed rule change is available at ISE, the Commission's Public Reference Room, and *http://www.ise.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The ISE Stock Exchange has several order types that may result in orders being cancelled back to Equity EAMs when the orders cannot be displayed on the ISE Stock Exchange because the order would create a violation of ISE Rule 2112 by locking or crossing the Protected Quotation [6] of another Trading Center [7] or would cause a violation of ISE Rule 2107(b) by trading-through the Protected Quotation of another Trading Center.[8]

The purpose of this filing is to add an order type that will give Equity EAMs the choice of whether to have orders re-priced instead of cancelled. Re-price orders and the unexecuted balance of Re-price orders will be automatically re-priced within the minimum price variation [9] for display on the ISE Stock Exchange instead of being cancelled. For example, if the National Best Bid and Offer is $4.06 × $4.10 and the ISE Best Bid and Offer is $4.05 × $4.10 when an Equity EAM enters a Not Routable limit order to sell with a limit price of $4.05, the order will be cancelled back to the member unless it is marked ''Re-Price.'' If the order is marked ''Re-Price,'' the order will be placed on the ISE Stock Exchange's limit order book at $4.07, the lowest possible offer price that the ISE can display without creating a locked or crossed market.

2. Statutory Basis

The ISE believes that the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the Exchange believes that this filing will provide investors with more flexibility in entering orders and receiving executions of such orders.

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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed 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 from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposal.[12]

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.[13] However, Rule 19b–4(f)(6)(iii) [14] 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 pre-operative period, which would make the rule change operative immediately. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange revised the proposed rule text to clarify its meaning.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] *See* ISE Rule 2100(c)(16).

[7] *See* ISE Rule 2100(c)(20).

[8] For example, Not Routable orders are limit orders that are to be executed in whole or in part upon receipt, and if not fully executed, displayed on the ISE Stock Exchange if possible. If a Not Routable limit order is not fully executed and is not displayable on the ISE, the order is cancelled back to the member. *See* ISE Rule 2104(i).

[9] *See* ISE Rule 2210.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] As required under Rule 19b–4(f)(6)(iii), ISE provided the Commission with notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposal.

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] *Id.*

Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because the proposed rule change is substantially similar to a rule previously approved by the Commission.[15] For this reason, the Commission designates that the proposal become operative immediately.

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.[16]

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–2007–14 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 Number SR–ISE–2007–14. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2007–14 and should be submitted on or before March 28, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4042 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[15] *See* Nasdaq Rule 4751(f)(8).

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).

[16] 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 16, 2007, the date on which ISE filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55380; File No. SR–NASDAQ–2007–014]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the Trading of the iShares COMEX Gold Trust Pursuant to Unlisted Trading Privileges

March 1, 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 28, 2007, The NASDAQ Stock Market LLC (''Nasdaq'' 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 Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is approving the proposed rule change on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to trade shares (''Shares'') of the iShares COMEX Gold Trust (''Trust'') pursuant to unlisted trading privileges (''UTP''). The text of the proposed rule change is available from Nasdaq's Web site at *nasdaq.complinet.com,* at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III 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

Nasdaq is proposing to trade the Shares on a UTP basis. Nasdaq is submitting this filing because its current listing standards do not extend to the Shares. However, systems operated by Nasdaq and its affiliates currently trade the Shares on an over-the-counter basis as facilities of NASD. This filing will allow Nasdaq to trade the Shares as an exchange.

The Shares represent units of fractional undivided beneficial interest in and ownership of the Trust. The purpose of the Trust is to hold gold bullion, and the investment objective of the Trust is for the Shares to reflect the performance of the price of gold, less the Trust's expenses. The Trust is not an investment company under the Investment Company Act of 1940.

The Commission previously approved the listing and trading of the Shares on the American Stock Exchange LLC (''Amex'').[3] Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities, including Nasdaq Rule 4630.[4] The trading hours for the Shares

[3] *See* Securities Exchange Act Release No. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex–2004–38).

[4] On November 16, 2006, the Commission approved a rule filing by Nasdaq to adopt Rule

on Nasdaq would be 9:30 a.m. to 4 p.m. Eastern Time (''ET'').

Shares are issued only in baskets of 50,000 shares or multiples thereof (such aggregation referred to as the ''Basket Aggregation'' or ''Basket''). The Trust issues and redeems the Shares on a continuous basis, by or through participants that have entered into participant agreements (each, an ''Authorized Participant'')[5] at the net asset value (''NAV'')[6] per Share next determined after an order to purchase or redeem Shares in a Basket Aggregation is received in proper form. Authorized Participants are the only persons that may place orders to create and redeem Baskets. Authorized Participants purchasing Baskets are able to separate a Basket into individual Shares for resale.

Basket Aggregations are issued in exchange for a corresponding amount of gold, measured in fine ounces (the ''Basket Gold Amount''). The Basket Gold Amount is determined at or about 4 p.m. ET each business day by the Trustee.[7] On each day that Amex is open for regular trading, the Trustee adjusts the quantity of gold constituting the Basket Gold Amount as appropriate to reflect sales of gold, any loss of gold that may occur, and accrued expenses. The Trustee determines the Basket Gold Amount for a given business day by multiplying the NAV for each Share by the number of Shares in each Basket (50,000) and dividing the resulting product by that day's COMEX settlement price for the spot month gold futures contract. Authorized Participants that submitted an order prior to 4 p.m. ET to purchase a Basket must transfer the Basket Gold Amount to the Trust in exchange for a Basket.

Quotations for and last sale information regarding the Shares are disseminated through the Consolidated Tape System. The Web site for the Trust at *http://www.ishares.com,* which is publicly accessible at no charge, contains the following information about the Shares: (a) The prior business day's NAV, Basket Gold Amount, the reported closing price, and the present day's Indicative Basket Gold Amount; (b) the mid-point of the bid-ask price in relation to the NAV as of the time the NAV is calculated (the ''Bid-Ask Price''); (c) calculation of the premium or discount of such price against such NAV; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters; (e) the Prospectus; and (f) other applicable quantitative information, such as expense ratios, trading volumes, and the total return of the Shares. Nasdaq will provide a hyperlink from its Web site (*http://www.nasdaq.com*) to the Trust's Web site.

Nasdaq will also provide a hyperlink on its Web site to the Amex Web site at *http://www.amex.com,* on which Amex will make available daily trading volume, closing prices, and the NAV from the previous day for the Shares. Amex also disseminates during regular Amex trading hours from 9:30 a.m. to 4:15 p.m. ET through the facilities of the Consolidated Tape Association (''CTA'') the last sale price for the Shares on a real-time basis. In addition, Amex disseminates each day the prior day's NAV and shares outstanding through the facilities of the CTA. Amex also disseminates the Indicative Trust Value on a per-Share basis every 15 seconds through the facilities of the CTA during regular Amex trading hours of 9:30 a.m. to 4:15 p.m. ET.[8] Shortly after 4 p.m. ET each business day, the Trustee, Amex, and the sponsor of the Trust will disseminate the NAV for the Shares, the Basket Gold Amount (for orders placed during the day), and the Indicative Basket Gold Amount (for use by Authorized Participants contemplating placing orders the following business day). The Basket Gold Amount, the Indicative Basket Gold Amount, and the NAV are communicated by the Trustee to all Authorized Participants via facsimile or electronic mail and will be available on the Trust's Web site at *http://www.ishares.com.*

The Trust's Web site also provides at no charge continuously updated bids and offers indicative of the spot price of gold.[9] Complete real-time data for gold futures and options prices traded on the COMEX is available by subscription from Reuters and Bloomberg. The closing price and settlement prices of the COMEX gold futures contracts are publicly available from the NYMEX at *http://www.nymex.com,* automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. NYMEX also provides delayed futures and options information on current and past trading sessions and market news free of charge on its Web site.

Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121. The conditions for a halt include a regulatory halt by the listing market. UTP trading in the Shares will also be governed by provisions of Nasdaq Rule 4120(b) relating to temporary interruptions in the calculation or wide dissemination of the Indicative Trust Value (which is comparable to the intraday indicative value or the intraday optimized portfolio value of an ETF) or the value of the underlying COMEX gold futures contract. Additionally, Nasdaq may cease trading the Shares if other unusual conditions or circumstances exist which, in the opinion of Nasdaq, make further dealings on Nasdaq detrimental to the maintenance of a fair and orderly market. Nasdaq will also follow any procedures with respect to trading halts as set forth in Nasdaq Rule 4120(c).

4630, which governs the trading of and surveillance procedures applicable to Commodity-Based Trust Shares. *See* Securities Exchange Act Release No. 54765 (November 16, 2006), 71 FR 67668 (November 22, 2006) (SR–NASDAQ–2006–009). Because gold is included within the rule's definition of a commodity, Rule 4630 is applicable to the Shares.

[5] An ''Authorized Participant'' is a person, who at the time of submitting to the trustee an order to create or redeem one or more Baskets: (a) Is a registered broker-dealer, (b) is a Depository Trust Company (''DTC'') Participant or Indirect Participant, and (c) has in effect a valid Authorized Participant Agreement.

[6] The Bank of New York, as trustee of the Trust (the ''Trustee'') calculates the NAV by multiplying the fine ounces of gold held by the Trust (after gold has been sold for that day to pay that day's fees and expenses of the Trust) by the daily settlement value of the COMEX spot month gold futures contract.

[7] At the same time, the Trustee determines an ''Indicative Basket Gold Amount'' that Authorized Participants can use as an indicative amount of gold to be deposited for issuance of the Shares on the next business day. The Trustee disseminates daily the Indicative Basket Gold Amount on the Trust's Web site (*http://www.ishares.com*). Because the creation/redemption process is based entirely on the physical delivery of gold (and does not contemplate a cash component), the actual number of fine ounces required for the Indicative Basket Gold Amount does not change intraday, even though the value may change based on the market price of gold.

[8] The Indicative Trust Value is calculated based on the estimated amount of gold required for creations and redemptions on that day (*e.g.,* Indicative Basket Gold Amount) and a price of gold derived from the most recently reported trade price in the active gold futures contract. The prices reported for the active contract month will be adjusted based on the prior day's spread differential between settlement values for that contract and the spot month contract. In the event that the spot month contract is also the active contract, the last sale price for the active contract will not be adjusted. The Indicative Trust Value will not reflect changes to the price of gold between the close of trading at the COMEX, typically 1:30 p.m. ET, and the open of trading on the NYMEX ACCESS market at 2 p.m. ET. While the market for the gold futures is open for trading, the Indicative Trust Value can be expected to closely approximate the value per share of the Indicative Basket Gold Amount. The Indicative Trust Value on a per-Share basis disseminated during Amex trading hours should not be viewed as a real-time update of the NAV, which is calculated only once a day.

[9] The Trust's Web site's gold spot price is provided by The Bullion Desk (*http://thebulliondesk.com*), which is not affiliated with Amex, the Trust, the Trustee, or the sponsor of the Trust.

Finally, Nasdaq will stop trading the Shares if the listing market delists them.

Nasdaq believes that its surveillance procedures are adequate to address any concerns about the trading of the Shares on Nasdaq. Trading of the Shares through NASD facilities operated by Nasdaq is currently subject to NASD's surveillance procedures for equity securities in general and ETFs in particular. After Nasdaq begins to trade the Shares as an exchange, the NASD, on behalf of Nasdaq, will continue to surveil Nasdaq trading, including Nasdaq trading of the Shares. Nasdaq's transition to exchange status will not result in any change in the surveillance process with respect to the Shares.[10]

Nasdaq is able to obtain information regarding trading in the Shares and the underlying COMEX gold futures contract through its members in connection with the proprietary or customer trades that such members effect on any relevant market. In addition, Nasdaq has entered into an Information Sharing Agreement with NYMEX for the purpose of providing information in connection with trading in or related to COMEX gold futures contracts.

Nasdaq will distribute an Information Circular to its members in connection with the trading of the Shares. The Information Circular will discuss the special characteristics and risks of trading this type of security. Specifically, the Information Circular, among other things, will discuss what the Shares are, how a basket is created and redeemed, the requirement that members deliver a prospectus to investors purchasing the Shares prior to or concurrently with the confirmation of a transaction, applicable Nasdaq rules, dissemination information regarding the per-share Indicative Trust Value, and trading information. The Information Circular will also explain that the Gold Trust is subject to various fees and expenses described in the Registration Statement and that the number of ounces of gold required to create a basket or to be delivered upon redemption of a basket will gradually decrease over time because the Shares comprising a basket will represent a decreasing amount of gold due to the sale of the Trust's gold to pay Trust expenses. The Information Circular will also reference the fact that there is no regulated source of last-sale information regarding physical gold and that the Commission has no jurisdiction over the trading of gold as a physical commodity.

The Information Circular will also notify members about the procedures for purchases and redemptions of Shares in baskets and that Shares are not individually redeemable but are redeemable only in basket-size aggregations or multiples thereof. The Information Circular will advise members of their suitability obligations under Nasdaq Rule 2310 with respect to recommended transactions to customers in Shares. The Information Circular will also discuss any relief granted by the Commission or the staff from any rules under the Act. Finally, the Information Circular will disclose that the NAV for Shares will be disseminated shortly after 4 p.m. ET each trading day based on the COMEX daily settlement value, which is disseminated shortly after 1:30 p.m. ET each trading day.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act[11] in general and Section 6(b)(5) of the Act[12] in particular, in that in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and, in general, to protect investors and the public interest. In addition, Nasdaq believes that the proposal is consistent with Rule 12f–5 under the Act[13] because it deems the Shares to be an equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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

Written comments on the proposed rule change were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2007–014 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–NASDAQ–2007–014. 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 offices of Nasdaq. 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–NASDAQ–2007–014 and should be submitted on or before March 28, 2007.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national

[10] Surveillance of all trading on NASD facilities operated by Nasdaq, including the trading of the Shares, is currently being conducted by NASD. After Nasdaq begins to trade the Shares as an exchange, NASD will continue to surveil trading pursuant to a regulatory services agreement. Nasdaq is responsible for NASD's performance under this regulatory services agreement.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 17 CFR 240.12f–5.

securities exchange.[14] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[15] which requires that an exchange have rules designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest. The Commission believes that this proposal should benefit investors by increasing competition among markets that trade the Shares.

In addition, the Commission finds that the proposal is consistent with Section 12(f) of the Act,[16] which permits an exchange to trade, pursuant to UTP, a security that is listed and registered on another exchange.[17] The Commission notes that it previously approved the listing and trading of the Shares on Amex and NYSE Arca, Inc.[18] The Commission also finds that the proposal is consistent with Rule 12f–5 under the Act,[19] which provides that an exchange shall not extend UTP to a security unless the exchange has in effect a rule or rules providing for transactions in the class or type of security to which the exchange extends UTP. The Exchange has represented that it meets this requirement because it deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities.

The Commission further believes that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act,[20] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotations for and last sale information regarding the Shares is disseminated through the Consolidated Tape System. The Commission notes that there is a considerable amount of gold price and gold market information available 24 hours per day on public Web sites and through professional and subscription services, and the Exchange will link to the Amex and Trust Web sites, which provide trading information about the Shares. Furthermore, Amex disseminates the Indicative Trust Value on a per-Share basis every 15 seconds through the facilities of the CTA during regular Amex trading hours of 9:30 a.m. to 4:15 p.m. ET (except between 1:30 p.m. and 2 p.m., the time from the close of regular trading of the COMEX gold futures contract and the start of trading of COMEX gold futures contracts on NYMEX ACCESS). The Commission also notes that the Trust's Web site is publicly accessible at no charge and will contain the NAV of the Shares and the Basket Gold Amount as of the prior business day, the Bid-Ask Price, and a calculation of the premium or discount of the Bid-Ask Price in relation to the closing NAV. Additionally, the Trust's Web site will also provide data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters; the Prospectus; and other applicable quantitative information. If Amex halts trading in the Shares, or the Indicative Trust Value or the value of the underlying COMEX gold futures contract is not being calculated or disseminated, the Exchange would halt trading in the Shares.

The Commission notes that, if the Shares should be delisted by the listing exchange, the Exchange would no longer have authority to trade the Shares pursuant to this order.

In support of this proposal, the Exchange has made the following representations:

(1) The Exchange's surveillance procedures are adequate to address any concerns associated with the trading of the Shares on a UTP basis.

(2) The Exchange would inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares, including suitability recommendation requirements.

(3) The Exchange would require its members to deliver a prospectus or product description to investors purchasing Shares prior to or concurrently with a transaction in such Shares and will note this prospectus delivery requirement in the Information Circular.

This approval order is conditioned on the Exchange's adherence to these representations.

The Commission finds good cause for approving this proposal before the thirtieth day after the publication of notice thereof in the **Federal Register**. As noted above, the Commission previously found that the listing and trading of the Shares on Amex and NYSE Arca is consistent with the Act. The Commission presently is not aware of any regulatory issue that should cause it to revisit those findings or would preclude the trading of the Shares on the Exchange pursuant to UTP. Furthermore, accelerated approval of this proposal will facilitate Nasdaq's ability to continue trading these securities as Nasdaq becomes an exchange with respect to non-Nasdaq-listed securities, where there appears to be no regulatory concerns about such trading. Therefore, accelerating approval of this proposal should benefit investors by creating, without undue delay, additional competition in the market for such Shares.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NASDAQ–2007–014), be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4038 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[14] In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78*l*(f).

[17] Section 12(a) of the Act, 15 U.S.C. 78*l*(a), generally prohibits a broker-dealer from trading a security on a national securities exchange unless the security is registered on that exchange pursuant to Section 12 of the Act. Section 12(f) of the Act excludes from this restriction trading in any security to which an exchange ''extends UTP.'' When an exchange extends UTP to a security, it allows its members to trade the security as if it were listed and registered on the exchange even though it is not so listed and registered.

[18] *See supra* note 3 and Securities Exchange Act Release No. 51067 (January 21, 2005), 70 FR 3952 (January 27, 2005) (SR–PCX–2004–132).

[19] 17 CFR 240.12f–5.

[20] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55379; File No. SR–NASD–2007–017]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend the Alternative Display Facility Quotation Update Fee

March 1, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that on February 27, 2007, the National Association of Securities Dealers, Inc. (''NASD'') 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 NASD. NASD 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

NASD proposes to amend Rule 7010A in light of the current participant quoting and trading activity on the Alternative Display Facility (''ADF''). Below is the text of the proposed rule change. Proposed new language is *italicized* and proposed deletions are in [brackets].

7010A. System Services

(a) No Change.

(b) Quotation Updates

The following quotation update charges will apply based on the average daily number of publicly disseminated trades reported to the media through the ADF during the billing period. A ''quotation update'' includes any change to the price or size of a displayed quotation.

Average trades reported through the ADF per day	Quotation update charge	Quotes updates provided at no charge
Less than 1	$.02 per quotation update	None.
Between 1 and 100,000	$.01 per quotation update	5 quotation updates per trade.
Between 100,001 and [150,000] *125,000*	$[.01].*005* per quotation update	[10]*20* quotation updates per trade.
Between 125,001 and 150,000	*$.005 per quotation update*	*25 quotation updates per trade.*
Greater than 150,000	No Charge	N/A.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD 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. NASD 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 current ADF pricing structure imposes a quote fee of $0.01 per quote for any ADF participant that has a daily average of 150,000 or fewer trade reports and no quote fee for daily average trade reports over that activity level. It also offers three tiers of free quotes. Specifically, participants that generate between one and 100,000 trade prints per day receive five free quotes per trade print, participants that generate between 100,001 and 150,000 trade prints per day receive ten free quotes per trade print, and those participants that generate over 150,000 trade prints are not charged for quotation updates. This pricing structure was designed in part to address the typical electronic communications network (''ECN'') business model at the time, given that ECNs were the only ADF participants.

NASD has seen an increase in the quote-to-trade ratios experienced by certain ECNs and believes the impact of Regulation NMS could potentially increase them even further. Thus, NASD proposes to amend the ADF quote update pricing structure to address these changes. Specifically, the new pricing structure would continue to require participants with high quote-to-trade ratios to pay for a portion of their quote activity, but at a reduced rate and with the benefit of additional free quote updates. The new pricing system introduces five pricing tiers. Participants that do not submit a single trade report to NASD are not entitled to receive any free quotes. Participants that generate between one and 100,000 trade prints per day receive five free quotes per trade print, participants that generate between 100,001 and 125,000 trade prints per day receive 20 free quotes per trade print, participants that generate between 125,001 and 150,000 trade prints per day receive 25 free quotes per trade print, and those participants that generate over 150,000 trade prints are not charged for quotation updates.

NASD has filed the proposed rule change for immediate effectiveness. This proposed rule change would be operational as of February 1, 2007, and would therefore apply to February's quotation and trading activity.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[5] which requires, among other things, that NASD rules provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system that NASD operates or controls. NASD believes that the proposed rule change would more equitably set the level of charges being imposed upon ADF participants in light of changing market practices.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 15 U.S.C. 78o–3(b)(5).

19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7]

NASD has requested that the Commission waive the 30-day operative delay in this case. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow the benefits of this new pricing structure to apply immediately. For this reason, the Commission designates the proposed rule change to be operative upon filing with the Commission.[8]

At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NASD–2007–017 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–NASD–2007–017. 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 the filing also will be available for inspection and copying at the principal office of NASD. 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–NASD–2007–017 and should be submitted on or before March 28, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–3952 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has decided to waive the five-day pre-filing requirement.

[8] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55374; File No. SR–NYSEArca–2007–20]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NYSE Arca Marketplace Trading Sessions

February 28, 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 26, 2007, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange''), through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes, through NYSE Arca Equities, to update the list in NYSE Arca Equities Rule 7.34 of securities eligible to trade in one or more, but not all three, of the Exchange's trading sessions. The Exchange proposes to add to the list shares of certain Funds (''Shares'') that are traded on NYSE Arca, L.L.C. (''NYSE Arca Marketplace''), the equities trading facility of NYSE Arca Equities, pursuant to unlisted trading privileges (''UTP''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.nysearca.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change. 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

NYSE Arca Equities Rule 7.34 currently provides, in part, that the NYSE Arca Marketplace shall have three trading sessions each day: an Opening Session (1 a.m. Pacific Time (''PT'') to 6:30 a.m. PT), a Core Trading Session (6:30 a.m. PT to 1 p.m. PT) and a Late Trading Session (1 p.m. PT to 5 p.m. PT), and that the Core Trading Session for securities described in NYSE Arca Equities Rules 5.1(b)(13), 5.1(b)(18), 5.2(j)(3), 8.100, 8.200, 8.201, 8.202, 8.203, 8.300, and 8.400 (each, a ''Derivative Securities Product'') shall conclude at 1:15 pm PT.[5]

[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] NYSE Arca Equities Rules 5.1(b)(13), 5.2(j)(3), 8.100, 8.200, 8.201, 8.202, 8.203, 8.300, and 8.400

Continued

NYSE Arca Equities Rule 7.34 includes a list of those securities which are eligible to trade in one or more, but not all three, of the Exchange's trading sessions. The Exchange maintains on its Internet Web site (*http://www.nysearca.com*) a list that identifies all securities traded on the NYSE Arca Marketplace that do not trade for the duration of each of the three sessions specified in NYSE Arca Equities Rule 7.34.

The Exchange proposes to add the following securities to these lists: (1) Ultra Russell MidCap Growth ProShares; (2) Ultra Russell MidCap Value ProShares; (3) Ultra Russell1000 Growth ProShares; (4) Ultra Russell1000 Value ProShares; (5) Ultra Russell2000 Growth ProShares; (6) Ultra Russell2000 Value ProShares; (7) UltraShort Russell MidCap Growth ProShares; (8) UltraShort Russell MidCap Value ProShares; (9) UltraShort Russell1000 Growth ProShares; (10) UltraShort Russell1000 Value ProShares; (11) UltraShort Russell2000 Growth ProShares; and (12) UltraShort Russell2000 Value ProShares (''Funds'').[6]

These securities are traded on the Exchange pursuant to UTP and are Investment Company Units, described in Exchange Rule 5.2(j)(3).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, to enhance competition, 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

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

The Exchange has asked the Commission to waive the 30-day operative delay. The Commission believes that such waiver is consistent with the protection of investors and the public interest because the proposed rule change should provide transparency and more clarity with respect to the trading hours eligibility of certain derivative securities products and should promote consistency in the trading halts of derivative securities. The Commission notes that this filing does not change the trading hours of the Derivative Securities Products listed in NYSE Arca Equities Rule 7.34, but codifies trading hour sessions that have been established through other rule changes or through the use of the Exchange's generic listing standards pursuant to Rule 19b–4(e) under the Act. For these reasons, the Commission designates the proposed rule change as operative immediately.[11]

At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2007–20 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–NYSEArca–2007–20. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File number SR–NYSEArca–2007–20 and should be submitted by or before March 28, 2007.

relate to Unit Investment Trusts, Investment Company Units, Portfolio Depositary Receipts, Trust Issued Receipts, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Partnership Units, and Paired Trust Shares, respectively. *See* Securities Exchange Act Release No. 54997 (December 21, 2006), 71 FR 78501 (December 29, 2006) (SR–NYSEArca–2006–77) (amending NYSE Arca Equities Rule 7.34).

[6] The Commission has approved the trading of the Shares of the Funds on the NYSE Arca Marketplace pursuant to UTP. *See* Securities Exchange Act Release No. 55125 (January 18, 2007), 72 FR 3462 (January 25, 2007) (SR–NYSEArca–2006–87).

[7] 15 U.S.C. 78f(b).

[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). In addition, Rule 19b–4(f)(6) requires an exchange to give 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 days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the five-day pre-filing notice requirement in this case.

[11] For purposes only of waiving the operative date of this proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–3883 Filed 3–5–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Release No. 34–55371; File No. SR–Phlx–2007–06]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Port Fees as Modified by Amendment No. 1

February 28, 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 Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been substantially prepared by the Phlx. On February 28, 2007, the Exchange submitted Amendment No. 1 to the proposed rule change. The Exchange has designated this proposal as one establishing or changing a due, fee or other charge imposed by the Exchange under Section 19(b)(3)(A),[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 Phlx proposes to implement a fee for connecting into the Exchange's system to enter quotes (''SQF[5] port fee''). The SQF port fee would operate as follows: for the first 5 active SQF ports,[6] a member organization would be charged $250 per port per month and, for each additional active SQF port (over the first 5 active SQF ports), the member organization would be charged $1,000 per port per month. Additionally, the same member organization would be credited $0.02 per side for every option contract executed on the Phlx in that same month (excluding executions resulting from dividend, merger and short stock interest strategies)[7] up to the amount of the SQF port fees when the member organization or one of its employees is designated as a specialist, streaming quote trader (''SQT'') or remote streaming quote trader (''RSQT'') and the transaction is billed according to the specialist or Registered Option Trader (''ROT'') transaction and/or comparison rates.[8] The SQF port fee and corresponding credit would be applied per member organization.

The SQF port fee (assessed monthly) became effective February 1, 2007 and the corresponding $0.02 credit (assessed per side per executed contract) became effective for trades settling on or after February 1, 2007.

The text of the proposed rule change is available at *http://www.Phlx.com,* at the Phlx, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 SQF port fee and corresponding credit is to encourage more efficient quoting, which should, in turn, promote a more efficient use of SQF ports. The Exchange believes that using fewer ports should assist in addressing the current and growing quoting and efficiency issues. The number of ports correlates to quoting efficiency, in that more efficient quoting uses fewer ports and fewer ports means the Exchange's systems are being used to process the same number of quotes more quickly. The credit should also encourage member organizations to send more business to the Exchange. More efficient quoting should, in turn, result in more executions on the Phlx, for which the member organization will receive a credit up to the amount of any SQF port fees that are incurred.

2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(4) of the Act[10] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

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 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

A written comment was received requesting that the Exchange grant an extension regarding the implementation date for the port fee.[11]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section

[12] 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)(2).

[5] SQF stands for specialized quote feed and is a proprietary quoting system that allows specialists, streaming quote traders and remote streaming quote traders to connect and send quotes into Phlx XL, by-passing the Exchange's Auto-Quote System. *See* Exchange Rule 1080, commentary .01(b).

[6] Active ports refer to ports that receive inbound quotes at any time within that month.

[7] *See e.g.*, Securities Exchange Act Release No. 54424 (September 11, 2006), 71 FR 54699 (September 18, 2006) (SR–Phlx–2006–55).

[8] SQTs and RSQTs are assessed fees pursuant to the ROT rates as SQTs and RSQTs are deemed to be ROTs. *See* Exchange Rule 1014(b)(ii)(A) and (B).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] In an email dated January 17, 2007, a member requested that the date of implementation for the port fee be delayed. In August 2006, the Exchange distributed a memorandum, which notified members/member organizations of the Exchange's intention to adopt an SQF port fee in order to provide such members/member organizations with the opportunity to change their port arrangements before the SQF port fee took effect. Originally, the Exchange anticipated that the port fee would become effective on November 1, 2006. The Exchange, however, delayed the implementation date until February 1, 2007 to allow members/member organizations additional time to change their port arrangements. The Exchange believes that sufficient notice was given to members/member organizations regarding the proposed port fee, which includes the August 2006 memorandum and a delay in the implementation date from November 1, 2006 until February 1, 2007. Therefore, the Exchange believes that a further delay in the implementation date as requested was not warranted.

19(b)(3)(A)(ii) of the Act[12] and subparagraph (f)(2) of Rule 19b–4 thereunder,[13] since it establishes or changes a due, fee or other charge imposed by the Exchange.

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 the furtherance of the purposes of the Act.[14]

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–2007–06 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–2007–06. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the 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–2007–06 and should be submitted on or before March 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E7–3916 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 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 28, 2007, the date on which the Exchange filed Amendment No. 1.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55375; File No. SR–Phlx–2006–31]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change as Modified by Amendment Nos. 1, 2, and 3 Thereto Relating to Electronically Submitted Limit Orders

February 28, 2007.

I. Introduction

On May 5, 2006, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to offer an additional mechanism for participants on the Exchange's electronic trading platform for options, Phlx XL, to trade against orders and electronic quotations. On December 8, 2006, the Exchange filed Amendment No. 1 to the proposed rule change. The Exchange filed Amendment No. 2 to the proposed rule change on January 11, 2007. The proposed rule change, as modified by Amendment Nos. 1 and 2, was published for comment in the **Federal Register** on January 24, 2007.[3] The Exchange filed Amendment No. 3 on February 28, 2007.[4] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change as modified by Amendment Nos. 1, 2, and 3.

II. Description of the Proposal

The purpose of the proposed rule change is to offer an additional mechanism for participants on the Exchange's electronic trading platform for options, Phlx XL,[5] to trade against orders and electronic quotations. Specifically, the proposal permits SQTs and RSQTs to enter Immediate or Cancel (''IOC'')[6] orders electronically and expands the types of orders that non-SQT ROTs and specialists may enter for their proprietary accounts to include electronically entered IOC orders. The proposal also changes the minimum order size for a ROT Limit Order from ten contracts to one contract if such contract is designated IOC.

The Exchange further proposes to amend Commentary .02 and .03 of Phlx Rule 1082 to reduce the one-second ''counting period'' to ¼ of one second during which SQTs, RSQTs and/or specialists may eliminate the locked or crossed markets caused by their electronic quotations. Any unresolved locked or crossed markets remaining after the counting period are automatically executed.

III. Discussion

After careful review of the proposal, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[7] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[8] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the Phlx's proposal to expand the order types that SQTs, RSQTs, non-SQT ROTs

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 55121 (January 18, 2007), 72 FR 3186.

[4] Amendment No. 3 made minor clarifying changes to Commentary .04 to Phlx Rule 1080.

[5] *See* Securities Exchange Act Release No. 50100 (July 27, 2004), 69 FR 46612 (August 3, 2004) (SR–Phlx–2003–59).

[6] An immediate-or-cancel order is an order that is to be executed in whole or in part as soon as such order is submitted. Any portion not so executed is to be treated as cancelled.

[7] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

and specialists may enter electronically is consistent with the Act. In addition, the Commission believes that reducing the counting period from one-second to ¼ of one second during which market participants may resolve locked and crossed markets should improve market efficiency by eliminating locked and crossed markets in a more timely fashion.

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–Phlx–2006–31), as modified by Amendment Nos. 1, 2, and 3 be, and it is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–3931 Filed 3–6–07; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 6, 2007. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency *Clearance Officer,* Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, D.C. 20416; and *David_Rostker@omb.eop.gov*, fax number 202–395–7285 Office of Information and Regulatory Affairs, Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, *jacqueline.white@sba.gov* (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Federal Agency Comment Form.

Form No: 1993.

Frequency: On Occasion.

Description of Respondents: Small Business Owners and Farmers.

Annual Responses: 400.

Annual Burden: 300.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E7–4077 Filed 3–6–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5714]

Culturally Significant Objects Imported for Exhibition; Determinations: ''The World of 1607''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''The World of 1607'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Jamestown Settlement, Williamsburg, Virginia, from on or about April 10, 2007, until on or about July 20, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Wolodymyr Sulzynsky, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: (202) 453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 28, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–4047 Filed 3–6–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5692]

Defense Trade Advisory Group; Notice of Open Meeting

SUMMARY: The Defense Trade Advisory Group (DTAG) will meet in open session from 9 a.m. to 12 noon on Wednesday, March 21, 2007, in the Dean Acheson Auditorium at the U.S. Department of State, Harry S. Truman Building, Washington, DC. Entry and registration will begin at 8:15 a.m. Please use the building entrance located at 23rd Street, NW., Washington, DC, between C and D Streets. The membership of this advisory committee consists of private sector defense trade specialists, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to discuss current defense trade issues and topics for further study.

Members of the public may attend this open session and will be permitted to participate in the discussion in accordance with the Chairman's instructions. They may also, if they wish, submit a brief statement to the committee in writing.

As access to Department of State facilities is controlled, persons wishing to attend the meeting must notify the DTAG Executive Secretariat by COB Friday, March 16, 2007. If notified after this date, the DTAG Secretariat cannot guarantee that the Department's Bureau of Diplomatic Security can complete the necessary processing required to attend the March 21 plenary.

Each non-member observer or DTAG member that wishes to attend this plenary session should provide: His/her name; company or organizational affiliation; phone number; date of birth; and identifying data such as driver's license number, U.S. Government ID, or U.S. Military ID, to the DTAG Secretariat contact person, Nicholas Memos, via e-mail at *MemosNI@state.gov*. A RSVP list will be provided to Diplomatic Security and the Reception Desk at the 23rd Street entrance. One of the following forms of valid photo identification will be required for admission: U.S. driver's

license, passport, U.S. Government ID, or other valid photo ID.

For Further Information Contact: For additional information, contact Nicholas Memos, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112; telephone (202) 663–2804; fax (202) 261–8199; or e-mail *MemosNI@state.gov.*

Dated: February 27, 2007.

Susan Clark,

Director, Defense Trade Advisory Group, Department of State.

[FR Doc. E7–4046 Filed 3–6–07; 8:45 am]

BILLING CODE 4710–25–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as amended by Public Law 104–13; Submission for OMB Review; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Submission for OMB review; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR Section 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Alice D. Witt, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–6832. (SC: 00V7DC) Comments should be sent to the OMB Office of Information and Regulatory Affairs, Attention: Desk Officer for Tennessee Valley Authority no later than April 6, 2007.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission, reinstatement of existing collection with some changes.

Title of Information Collection: Section 26a Permit Application, OMB Control No. 3316–0060.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households, state or local governments, farms, businesses, or other for-profit Federal agencies or employees, non-profit institutions, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 4,000.

Estimated Total Annual Burden Hours: 6,000.

Estimated Average Burden Hours Per Response: 1.5.

Need For and Use of Information: TVA Land Management activities and Section 26a of the Tennessee Valley Authority Act of 1933, as amended, require TVA to collect information relevant to projects that will impact TVA land and land rights and review and approve plans for the construction, operation, and maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries. The information collected is used to assess the impact of the proposed project on the statutory TVA programs and determine if the project can be approved. Rules on the application for review and approval of such plans are published in 18 CFR Part 1304.

Terry G. Tyler,

General Manager Architecture, Planning & Compliance Information Services.

[FR Doc. E7–3955 Filed 3–6–07; 8:45 am]

BILLING CODE 8120–08–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Proposed Collection, Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Alice D. Witt, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–6832. (SC:0019QYX) Comments should be sent to the Agency Clearance Officer no later than May 7, 2007.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission.

Title of Information Collection: Employment Application.

Frequency of Use: On Occasion.

Type of Affected Public: Individuals.

Small Businesses or Organizations Affected: NO.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 31,500.

Estimated Total Annual Burden Hours: 31,500.

Estimated Average Burden Hours per Response: 1.

Need For and Use of Information: Applications for employment are needed to collect information on qualifications, suitability for employment, and eligibility for veteran's preference. The information is used to make comparative appraisals and to assist in selections. The affected public consists of individuals who apply for TVA employment.

Terry G. Tyler,

General Manager Architecture, Planning, & Compliance Information Services.

[FR Doc. E7–3956 Filed 3–6–07; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending February 9, 2007

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2007–27218.

Date Filed: February 6, 2007.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 526—Resolution 010j, TC3 Japan, Korea-South East Asia, Special Passenger Amending Resolution, Between Hong Kong SAR and Korea (Rep. of); Intended effective date: 15 February 2007.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E7–4073 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending February 23, 2007

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1383 and 1384) and procedures governing proceeding to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2007–27366.

Date Filed: February 20, 2007.

Parties: Members of the International Air Transport Association.

Subject: TC12 Mexico-Europe, Resolutions and Specified Fares Tables (Memo 0086); Intended effective date: April 1, 2007.

Docket Number: OST–2007–27367.

Date Filed: February 20, 2007.

Parties: Members of the International Air Transport Association.

Subject: TC12 South Atlantic-Europe, Resolutions and Specified Fares Tables (Memo 0148); Intended effective date: April 1, 2007.

Docket Number: OST–2007–27368.

Date Filed: February 20, 2007.

Parties: Members of the International Air Transport Association.

Subject: TC12 Mid Atlantic-Europe, Resolutions and Specified Fares Tables (Memo 0114); Intended effective date: April 1, 2007.

Docket Number: OST–2007–27375.

Date Filed: February 20, 2007.

Parties: Members of the International Air Transport Association.

Subject: PAC1/2/3 (Mail A134), Reinstatement Provision in Resolution 800f; Intended effective date: March 1, 2007.

Docket Number: OST–2007–27377.

Date Filed: February 20, 2007.

Parties: Members of the International Air Transport Association.

Subject: PAC1/2/3 (Mail A135), Disputes and Withdrawal of Disputes in Resolution, 818 AttA & 832; Intended effective date: March 1, 2007.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E7–4076 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending February 23, 2007

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier

Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2005–21348.

Date Filed: February 22, 2007.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 15, 2007.

Description: Application of Gulfstream Air Charter, Inc. requesting the Department approve a change in its name from ''Gulfstream Air Charter, Inc.'' to ''Gulfstream Connection, Inc.'', and that the Department reissue the commuter air carrier authorization issued on February 17, 2006.

Docket Number: OST–2007–27416.

Date Filed: February 22, 2007.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 15, 2007.

Description: Application of Aerolineas Galapagos AeroGal, S.A. requesting an exemption and a foreign air carrier permit, authorizing it to engage in scheduled foreign air transportation of persons, property and mail between a point or points in Ecuador and the co-terminal points Miami and New York.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E7–4075 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Grant Acquired Property Release at Laurinburg-Maxton Airport, Maxton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C., Section 47153(c), notice is being given that the FAA is considering a request from the City of Laurinburg and Town of Maxton to waive the requirement that approximately 0.807 acres of airport property, located at the Laurinburg-Maxton Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before April 6, 2007.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Rusty Nealis, Program Manager, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Paul G. Davis, Executive Director, Laurinburg-Maxton Airport Commission at the following address: Laurinburg-Maxton Airport Commission, 16701 Airport Road, Maxton, NC 28364.

FOR FURTHER INFORMATION CONTACT: Rusty Nealis, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Campus Building, Suite 2–260, Atlanta, GA 30337–2747, (404) 305–7142. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Concord to release approximately 0.807 acres of airport property at the Laurinburg-Maxton Airport. The property consists of one parcel roughly located in the Northeast quadrant of the airport on the west side of Tinker Drive. This property is currently shown on the approved Airport Layout Plan as non-aeronautical use land and the proposed use of this property is compatible with airport operations. The City will ultimately sell the property for future industrial use with proceeds of the sale providing funding for future airport development.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the request, notice and other documents germane to the

request in person at the Laurinburg-Maxton Airport.

Issued in Atlanta, Georgia, on February 21, 2007.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 07–1018 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2007–23639]

Deadline for Notification of Intent To Use the Airport Improvement Program (AIP) Sponsor, Cargo, and Nonprimary Entitlement Funds for Fiscal Year 2006

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces May 1, 2007, as the deadline for each airport sponsor to notify the FAA that it will use its fiscal year 2007 entitlement funds to accomplish projects identified in the Airports Capital Improvement Plan that was formulated in the spring of 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Molar, Manager, Airports Financial Assistance Division, Office of Airport Planning and Programming, APP–500, on (202) 267–3831.

SUPPLEMENTARY INFORMATION: Section 47105(f) of Title 49, United States Code, provides that the sponsor of each airport to which funds are apportioned shall notify the Secretary by such time and in a form as prescribed by the Secretary, of the sponsor's intent to apply for the funds apportioned to it (entitlements). This notice applies only to those airports that have had entitlement funds apportioned to them, except those nonprimary airports located in designated Block Grant States. Notification of the sponsor's intent to apply during fiscal year 2007 for any of its available entitlement funds including those unused from prior years, shall be in the form of inclusion of projects for fiscal year 2007 in the Airports Capital Improvement Plan.

This notice is promulgated to expedite and prioritize grants in the final quarter of the fiscal year. Absent an acceptable application by May 1, 2007, FAA will defer an airport's entitlement funds until the next fiscal year. Pursuant to the authority and limitations in section 47117(f), FAA will issue discretionary grants in an aggregate amount not to exceed the aggregate amount of deferred entitlement funds. Airport sponsors may request unused entitlements after September 30, 2007 as provided in the law.

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

Barry L. Molar,

Manager, Airports Financial Assistance Division.

[FR Doc. 07–1017 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Draft Advisory Circulars, Other Policy Documents and Proposed Technical Standard Orders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: This is a recurring Notice of Availability, and request for comments, on draft advisory circulars (ACs), other policy documents, and proposed technical standard orders (TSOs) currently offered by Aviation Safety.

SUMMARY: The FAA's Aviation Safety, an organization responsible for the certification, production approval, and continued airworthiness of aircraft, and certification of pilots, mechanics, and others in safety related positions, publishes proposed non-regulatory documents that are available for public comment on the Internet at *http://www.faa.gov/aircraft/draft_docs/*.

DATES: We must receive comments on or before the date for each document as specified on the Web site.

ADDRESSES: Send comments on proposed documents to the Federal Aviation Administration at the address specified on the Web site for the document being commented on, to the attention of the individual and office identified as point of contact for the document.

FOR FURTHER INFORMATION CONTACT: See the individual or FAA office identified on the Web site for the specified document.

SUPPLEMENTARY INFORMATION: Final advisory circulars, other policy documents, and technical standard orders (TSOs) are available on FAA's Web site, including final documents published by the Aircraft Certification Service on FAA's Regulatory and Guidance Library (RGL) at *http://rgl.faa.gov/*.

Comments Invited

When commenting on draft ACs, other policy documents or proposed TSOs, you should identify the document by its number. The Aviation Safety organization, will consider all comments received on or before the closing date before issuing a final document. You can obtain a paper copy of the draft document or proposed TSO by contacting the individual or FAA office responsible for the document as identified on the Web site. You will find the draft ACs, other policy documents and proposed TSOs on the ''Aviation Safety Draft Documents Open for Comment'' Web site at *http://www.faa.gov/aircraft/draft_docs/*. For Internet retrieval assistance, contact the AIR Internet Content Program Manager at 202–267–8361.

Background

We do not publish an individual **Federal Register** Notice for each document we make available for public comment. On the Web site, you may subscribe to our service for e-mail notification when new draft documents are made available. Persons wishing to comment on our draft ACs, other policy documents and proposed TSOs can find them by using the FAA's Internet address listed above. This notice of availability and request for comments on documents produced by Aviation Safety will appear again in 30 days.

Issued in Washington, DC, on February 28, 2007.

Terry Allen,

Acting Manager, Production and Airworthiness Division, Aircraft Certification Service.

[FR Doc. 07–1019 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: State Route-18 From State Route-64 at Bolivar to State Route-100, Hardeman County, TN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Hardeman County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Ms. Karen M. Brunelle, Planning and Program Management Team Leader,

Federal Highway Administration—Tennessee Division Office, 640 Grassmere Park Road, Suite 112, Nashville, TN 37211. 615–781–5772.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Tennessee Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to upgrade the existing roadway from State Route-64 at Bolivar to State Route-100, a distance of approximately 10 miles.

Alternatives to be considered include: (1) No-build; (2) a Transportation System Management (TSM) alternative; (3) one or more build alternatives that could include constructing a roadway on a new location, upgrading existing State Route-18, or a combination of both, and (4) other alternatives that may arise from public input. Public scoping meetings will be held for the project corridor. As part of the scoping process, federal, state, and local agencies and officials; private organizations; citizens; and interest groups will have an opportunity to identify issues of concern and provide input on the purpose and need for the project, range of alternatives, methodology, and the development of the Environmental Impact Statement. A Coordination Plan will be developed to include the public in the project development process. This plan will utilize the following outreach efforts to provide information and solicit input: newsletters, an Internet Web site, e-mail and direct mail, informational meetings and briefings, public hearings, and other efforts as necessary and appropriate. A public hearing will be held upon completion of the Draft Environmental Impact Statement and public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action are identified and taken into account, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA contact person identified above at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed program)

Issued on: March 1, 2007.

Karen M. Brunelle,

Planning and Program Management Team Leader, Nashville, TN.

[FR Doc. E7–4027 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

TIME AND DATE: March 15, 2007, 1 p.m. to 4:20 p.m., Eastern Daylight Time.

PLACE: This meeting will take place telephonically. Any interested person may call Mr. Avelino Gutierrez at (505) 827–4565 to receive the toll free number and pass code needed to participate in this meeting by telephone.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The Board may consider and adopt recommendations made to the Board by its Revenue and Fees Subcommittee to revise the fee scale that the Board originally recommended to the Federal Motor Carrier Safety Administration and other matters that may properly come before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Dated: March 5, 2007.

John H. Hill,

Administrator.

[FR Doc. 07–1086 Filed 3–5–07; 2:02 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2006–26421; Notice 2]

Hankook Tire Co., Ltd.; Grant of Petition for Decision of Inconsequential Noncompliance

Hankook Tire Co., Ltd. (Hankook) has determined that certain tires that it produced in 2005 and 2006 do not comply with S5.5.5 of 49 CFR 571.139, Federal Motor Vehicle Safety Standard (FMVSS) No. 139, ''New pneumatic radial tires for light vehicles.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Hankook has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Notice of receipt of a petition was published, with a 30-day comment period, on December 13, 2006, in the **Federal Register** (71 FR 74995). NHTSA received no comments.

Affected are a total of approximately 283,815 passenger car temporary spare tires produced between January 2005 and September 2006. Although Hankook asserted that they had certified the subject tires to the requirements of FMVSS No. 139, only tires manufactured between June 26, 2003 and January 6, 2006 were permitted, at the manufacturer's option, to be certified to the requirements of FMVSS No. 139.[1] See ''Federal Motor Vehicle Safety Standards; Tires,'' 68 FR 38116 (June 26, 2003) and 71 FR 877 (January 6, 2006). For tires manufactured after January 6, 2006, FMVSS No. 109, ''New Pneumatic Tires'' is the only safety standard to which temporary spares could be certified. Therefore, Hankook's petition is being processed as applying to FMVSS No. 109 in addition to FMVSS No. 139. In either standard, the noncompliance issue is the same; however, different paragraphs are referenced for the two standards. S4.3.5 of FMVSS No. 109 and S5.5.5 of FMVSS No. 139 require that the tires have a sidewall marking ''inflate to 420 kPa (60 psi)'' of no less than 12.7 mm high. In the marking on the noncompliant tires, the letters ''a'' and ''s'' are 12.3 mm and 11.9 mm high respectively. Hankook has corrected the problems that caused these errors so that they will not be repeated in future productions.

Hankook believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Hankook states that the noncompliance ''affects consumer information only and does not affect safety of the tires.'' Hankook further states that the tires comply with all other FMVSS requirements.

NHTSA agrees with Hankook that the noncompliance is inconsequential to motor vehicle safety. As Hankook states, even with the reduced size of the ''a'' and ''s'' on the sidewall marking the user or purchaser of the tire can still

[1] All temporary spares were required to be certified to FMVSS No. 109 until June 26, 2003 when FMVSS No. 139 took effect. However, the agency moved temporary spares back to FMVSS No. 109 after January 6, 2006 by granting a petition for reconsideration.

read the letters. Therefore, the noncompliance does not affect the safety of the tire or its use.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Hankook's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(Authority: (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8))

Issued on: February 28, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–3925 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2006–26422; Notice 2]

Hankook Tire Co., Ltd.; Grant of Petition for Decision of Inconsequential Noncompliance

Hankook Tire Co., Ltd. (Hankook) has determined that certain tires that it produced in 2005 and 2006 do not comply with S5.5.5 of 49 CFR 571.139, Federal Motor Vehicle Safety Standard (FMVSS) No. 139, ''New pneumatic radial tires for light vehicles.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Hankook has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Notice of receipt of a petition was published, with a 30-day comment period, on December 13, 2006, in the **Federal Register** (71 FR 74995). NHTSA received no comments.

Affected are a total of approximately 19,606 passenger car temporary spare tires produced between October 2005 and April 2006. Although Hankook asserted that they had certified the subject tires to the requirements of FMVSS No. 139, only tires manufactured between June 26, 2003 and January 6, 2006 were permitted, at the manufacturer's option, to be certified to the requirements of FMVSS No. 139.[1] See ''Federal Motor Vehicle Safety Standards; Tires,'' 68 FR 38116 (June 26, 2003) and 71 FR 877 (January 6, 2006). For tires manufactured after January 6, 2006, FMVSS No. 109, ''New Pneumatic Tires'' is the only safety standard to which temporary spares could be certified. Therefore, Hankook's petition is being processed as applying to FMVSS No. 109 in addition to FMVSS No. 139. In either standard, the noncompliance issue is the same; however, different paragraphs are referenced for the two standards. S4.3.5 of FMVSS No. 109 and S5.5.5 of FMVSS No. 139 require that the tires have a sidewall marking ''inflate to 420 kPa (60 psi)'' of no less than 12.7 mm high. In the marking on the noncompliant tires, the letters are 8 mm high. Hankook has corrected the problems that caused these errors so that they will not be repeated in future productions.

Hankook believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Hankook states that the noncompliance ''affects consumer information only and does not affect safety of the tires.'' Hankook further states that the tires comply with all other FMVSS requirements.

NHTSA agrees with Hankook that the noncompliance is inconsequential to motor vehicle safety. As Hankook states, even with the reduced size of the 8mm on the sidewall marking, the user or purchaser of the tire can still read the letters. Therefore, the noncompliance does not affect the safety of the tire or its use.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Hankook's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.)

Issued on: February 28, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–3926 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–59–P

[1] All temporary spares were required to be certified to FMVSS No. 109 until June 26, 2003 when FMVSS No. 139 took effect. However, the agency moved temporary spares back to FMVSS No. 109 after January 6, 2006 by granting a petition for reconsideration.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2006–26423; Notice 2]

Hankook Tire Co., Ltd.; Grant of Petition for Decision of Inconsequential Noncompliance

Hankook Tire Co., Ltd. (Hankook) has determined that certain tires that it produced in 2001 through 2006 do not comply with S5.5(h) of 49 CFR 571.139, Federal Motor Vehicle Safety Standard (FMVSS) No. 139, ''New pneumatic radial tires for light vehicles.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Hankook has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.'' Notice of receipt of a petition was published, with a 30-day comment period, on December 15, 2006, in the **Federal Register** (71 FR 75610). NHTSA received no comments.

Affected are a total of approximately 99,620 passenger car temporary spare tires produced between January 2001 through September 2006. Although Hankook asserted that they had certified the subject tires to the requirements of FMVSS No. 139, only tires manufactured between June 26, 2003 and January 6, 2006 were permitted, at the manufacturer's option, to be certified to the requirements of FMVSS No. 139.[1] See ''Federal Motor Vehicle Safety Standards; Tires,'' 68 FR 38116 (June 26, 2003) and 71 FR 877 (January 6, 2006). For tires manufactured before June 26, 2003, or manufactured after January 6, 2006, FMVSS No. 109, ''New Pneumatic Tires'' is the only safety standard to which temporary spares could be certified. Therefore, Hankook's petition is being processed as applying to FMVSS No. 109 in addition to FMVSS No. 139. In either standard, the noncompliance issue is the same; however, different paragraphs are referenced for the two standards. S4.3(g) of FMVSS No. 109 and S5.5(h) of FMVSS No. 139 require that the tires have a sidewall marking ''radial'' if the tire is a radial ply tire. These tires lack the word ''radial'' in the sidewall marking. Hankook has corrected the problem that caused these errors so that

[1] All temporary spares were required to be certified to FMVSS No. 109 until June 26, 2003 when FMVSS No. 139 took effect. However, the agency moved temporary spares back to FMVSS No. 109 after January 6, 2006 by granting a petition for reconsideration.

they will not be repeated in future productions.

Hankook believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Hankook states that the noncompliance ''affects consumer information only and does not affect safety of the tires.'' Hankook further states that the tires comply with all other FMVSS requirements.

NHTSA agrees with Hankook that the noncompliance is inconsequential to motor vehicle safety. In this case, the absence of the word ''radial'' on the sidewall does not affect the safety of the tire or use.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Hankook's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.)

Issued on: February 28, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–3927 Filed 3–6–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–32 (Sub-No. 95X); STB Docket No. AB–355 (Sub-No. 26X)]

Boston and Maine Corporation—Abandonment Exemption—in Essex and Middlesex Counties, MA; Springfield Terminal Railway Company—Discontinuance of Service Exemption—in Essex and Middlesex Counties, MA

The Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants), have jointly filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for B&M to abandon, and for ST to discontinue service over, a 9.69-mile portion of the Wakefield Junction Industrial Track between milepost 9.38, and milepost 19.07 in Essex and Middlesex Counties, MA. The line traverses United States Postal Service Zip Codes 01880, 01923, 01940 and 01960.

Applicants have certified that: (1) No traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 6, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 19, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 27, 2007, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representative: Clinton P. Wright, Boston & Maine Corporation, Springfield Terminal Railway Company, 1700 Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Applicants have filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by March 12, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0303. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&M shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&M's filing of a notice of consummation by March 7, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 23, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–3705 Filed 3–6–07; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,300. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 28, 2007.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before April 6, 2007 to be assured of consideration.

Treasury Inspector General for Tax Administration (TIGTA)

OMB Number: 1591–New.
Type of Review: Regular.
Title: Taxpayer Delinquency Investigation (TDI) Confirmation Letter.
Description: The Treasury Inspector General for Tax Administration (TIGTA), Office of Audit is performing a confirmation program for delinquent return accounts to see if the taxpayer agrees that tax return(s) have not yet been filed. TIGTA will use the information collected to determine the accuracy of Internal Revenue Service records.
Respondents: Individuals or Households.
Estimated Total Burden Hours: 25 hours.
OMB Number: 1591–New.
Type of Review: Regular.
Title: Taxpayer Delinquent Account (TDA) Confirmation Letter.
Description: The Treasury Inspector General for Tax Administration (TIGTA), Office of Audit is performing a confirmation program of balance due accounts owed the Internal Revenue Service (IRS) to see if the taxpayer agrees with balance due owed. TIGTA will use the information collected to determine the accuracy of IRS records.
Respondents: Individuals or Households.
Estimated Total Burden Hours: 25 hours.
Clearance Officer: Joseph Ananka, (202) 622–5964, Treasury Inspector General for Tax Administration, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.
OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,
Treasury PRA Clearance Officer.
[FR Doc. E7–4082 Filed 3–6–07; 8:45 am]
BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 1, 2007.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.
Dates: Written comments should be received on or before April 6, 2007 to be assured of consideration.

Bureau of Public Debt (BPD)

OMB Number: 1535–0023.
Type of Review: Revision.
Title: Request To Reissue United States Savings Bonds.
Form: PD F 4000.
Description: Form is used by owners to identify the securities involved and to establish authority to reissue them.
Respondents: Individuals or Households.
Estimated Total Burden Hours: 270,000 hours.
OMB Number: 1535–0062.
Type of Review: Revision.
Title: Special Bond of Indemnity By Purchaser of United States Savings Bonds/Notes Involved in a Chain Letter Scheme.
Form: PD F 2966.
Description: Used by the purchaser of savings bonds in a chain letter scheme to request refund purchase price of the bonds.
Respondents: Individuals or Households.
Estimated Total Burden Hours: 319 hours.
OMB Number: 1535–0092.
Type of Review: Extension.
Title: Subscription For Purchase and Issue of U.S. Treasury Securities— State and Local Government Series.
Form: PD F 4144-, 4144–1, 2, 5, 6 and 7.
Description: The information is necessary to establish the accounts for owners of securities of State and Local Government Series.
Respondents: State, Local and Tribal Governments.
Estimated Total Burden Hours: 2500 hours.
OMB Number: 1535–0127.
Type of Review: Extension.
Title: Offering of U.S. Mortgage Guaranty Insurance Company Tax and Loss Bonds.
Form: 31 CFR Part 343.
Description: The Regulations governing the issue, reissue, and redemption of U.S. Mortgage Guaranty Insurance Company Tax and Loss Bonds.
Respondents: Business or other for-profits.
Estimated Total Burden Hours: 20 hours.
Clearance Officer: Vicki S. Thorpe, (304) 480–8150, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26106.
OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,
Treasury PRA Clearance Officer.
[FR Doc. E7–4084 Filed 3–6–07; 8:45 am]
BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–103–90]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–103–90 (TD 8578), Election Out of Subchapter K for Producers of Natural Gas (§ 1.761–2).

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election Out of Subchapter K for Producers of Natural Gas.
OMB Number: 1545–1338.
Regulation Project Number: PS–103–90.
Abstract: This regulation contains certain requirements that must be met

by co-producers of natural gas subject to a joint operating agreement in order to elect out of subchapter K of chapter 1 of the Internal Revenue Code. Under regulation section 1.761–2(d)(5)(i), gas producers subject to gas balancing agreements must file Form 3115 and certain additional information to obtain the Commissioner's consent to a change in method of accounting to either of the two permissible accounting methods described in the regulations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 5.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3940 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8879–EO

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8879–EO, IRS *e-file* Signature Authorization for an Exempt Organization.

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: IRS *e-file* Signature Authorization for an Exempt Organization.

OMB Number: 1545–1878.

Form Number: 8879–EO.

Abstract: Form 8879–EO authorizes an officer of an exempt organization and electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an organization's electronic income tax return and, if applicable, Electronic Funds Withdrawal Consent.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 800.

Estimated Time Per Respondent: 4 hours, 17 minutes.

Estimated Total Annual Burden Hours: 3,432.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3942 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8328

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort

to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8328, Carryforward Election of Unused Private Activity Bond Volume Cap.

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Carryforward Election of Unused Private Activity Bond Volume Cap.

OMB Number: 1545–0874.

Form Number: Form 8328.

Abstract: Internal Revenue Code section 4146(f) requires that an annual volume limit be placed on the amount of private activity bonds issued by each State. Code section 146(f)(3) provides that the unused amount of the private activity bonds for specific programs can be carried forward for 3 years depending on the type of project. In order to carry forward the unused amount of the private activity bond, an irrevocable election can be made by the issuing authority. Form 8328 allows the issuer to execute the carryforward election.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 13 hours, 13 minutes.

Estimated Total Annual Burden Hours: 132,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3944 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6497

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6497, Information Return of Nontaxable Energy Grants or Subsidized Energy Financing.

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Return of Nontaxable Energy Grants or Subsidized Energy Financing.

OMB Number: 1545–0232.

Form Number: Form 6497.

Abstract: Section 605D of the Internal Code requires an information return to be made by any person who administers a Federal, state, or local program providing nontaxable grants or subsidized energy financing. Form 6497 is used for making the information return. The IRS uses the information from the form to ensure that recipients have not claimed tax credits or other benefits with respect to the grants or subsidized financing.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and federal, state, local or tribal governments.

Estimated Number of Respondents: 250.

Estimated Time Per Respondent: 3 hours, 14 minutes.

Estimated Total Annual Burden Hours: 810.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3945 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–213–76]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–213–76 (TD 8095), Estate and Gift Taxes; Qualified Disclaimers of Property (Section 25.2518–2(b)).

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202)622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Estate and Gift Taxes; Qualified Disclaimers of Property.

OMB Number: 1545–0959. Regulation Project Number: LR–213–76.

Abstract: Internal Revenue Code section 2518 allows a person to disclaim an interest in property received by gift or inheritance. The interest is treated as if the disclaimant never received or transferred such interest for Federal gift tax purposes. A qualified disclaimer must be in writing and delivered to the transferor or trustee.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3947 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form TD F 90–22.1

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form TD F 90–22.1, Report of Foreign Bank and Financial Accounts.

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Report of Foreign Bank and Financial Accounts.

OMB Number: 1545–2038.

Form Number: TD F 90–22.1.

Abstract: This information is collected because of its high degree of usefulness in criminal, tax or regulatory investigations or procedures or in the conduct of intelligence of counterintelligence activities, including analysis, to protect against international terrorism. Respondents include all United States persons who have financial interest in or signature or other authority over foreign financial accounts with an aggregate value over $10,000.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit and not-for-profit institutions, farms, and state, local or tribal government.

Estimated Number of Responses: 281,762.

Estimated Time Per Response: 20 min.

Estimated Total Annual Burden Hours: 93,921.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 26, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3948 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8821

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8821, Tax Information Authorization.

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tax Information Authorization.

OMB Number: 1545–1165.

Form Number: 8821.

Abstract: Form 8821 is used to appoint someone to receive or inspect certain tax information. The information on the form is used to identify appointees and to ensure that confidential tax information is not divulged to unauthorized persons.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not for profit institutions, and farms.

Estimated Number of Respondents: 133,333.

Estimated Time Per Respondent: 1 hour, 3 minutes.

Estimated Total Annual Burden Hours: 140,300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3949 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–189–80]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–189–80 (T.D. 7927), Amortization of Reforestation Expenditures (§§ 1.194–2 and 1.194–4).

DATES: Written comments should be received on or before May 7, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Amortization of Reforestation Expenditures.

OMB Number: 1545–0735.

Regulation Project Number: LR–189–80.

Abstract: Internal Revenue Code section 194 allows taxpayers to elect to amortize certain reforestation expenditures over a 7-year period if the expenditures meet certain requirements. The regulations implement this election provision and allow the IRS to determine if the election is proper and allowable.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: 12,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 6,001.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–3951 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC

DATES: The meeting will be held September 20 and 21, 2007.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held on September 20 and 21, 2007, in Room 4136 beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, C:AP:ART, 1099 14th Street, NW., Washington, DC 20005. Telephone (202) 435–5609 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held on September 20 and 21, 2007, in Room 4136 beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c)(3), (4), (6), and (7), and that the meeting will not be open to the public.

Karen S. Ammons,

Deputy Chief, Appeals.

[FR Doc. E7–3943 Filed 3–6–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Treasury Direct Forms.

DATES: Written comments should be received on or before May 7, 2007, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–5312, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–5312, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Treasury Direct Forms.

OMB Number: 1535–0069.

Form Number: PD F 5178, 5179, 5179–1, 5180, 5181, 5182, 5188, 5189, 5191, 5235, 5236, 5261,and 5381.

Abstract: The information is requested to issue and maintain treasury Bills, Notes, and Bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 350,970.

Estimated Time Per Respondent: 8 minutes.

Estimated Total Annual Burden Hours: 46,796.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the

request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 1, 2007.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E7–4003 Filed 3–6–07; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Customer Satisfaction Survey.

DATES: Written comments should be received on or before May 7, 2007, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–5312, or *Vicki.Thorpe@bpd.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–5312, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Voluntary Customer Satisfaction Survey to Implement Executive Order 12862.

OMB Number: 1535–0122.

Abstract: The information from the survey will be used to improve customer service.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 7,000.

Estimated Total Annual Burden Hours: 876.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 1, 2007.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E7–4004 Filed 3–6–07; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0118]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0118'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0118.''

SUPPLEMENTARY INFORMATION:

Title: Transfer of Scholastic Credit (Schools), VA Form Letter 22–315.

OMB Control Number: 2900–0118.

Type of Review: Extension of a currently approved collection.

Abstract: Students receiving VA education benefits and are enrolled in two training institutions, must have the primary institution at which the student pursues his or her approved program of education verify that courses pursued at a secondary school will be accepted as full credit towards the student's course objective. VA sends VA Form Letter 22–315 to the student requesting that they have the certifying official of his or her primary institution to list the course or courses pursued at the secondary school for which the primary institution will give full credit. Educational payment for courses pursued at a secondary school is not payable until VA receives evidence from the primary institution verifying that the student is pursuing his or her approved program while enrolled in these courses. VA Form Letter 22–315 serves as this certification of acceptance.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 21, 2006 at pages 76726–76727.

Affected Public: Not-for-profit institutions, and State, Local or Tribal Government.

Estimated Annual Burden: 1,050 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Occasion.

Estimated Number of Respondents: 6,329.

Dated: February 22, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–4007 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0616]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0616'' in any correspondence.

For Further Information or a Copy of the Submission Contact: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7045 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0616.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Application for Furnishing Long-Term Care Services to Beneficiaries of Veterans Affairs, VA Form 10–1170.

b. Residential Care Home Program—Sponsor Application, VA Form 10–2407.

OMB Control Number: 2900–0616.

Type of Review: Extension of a currently approved collection.

Abstract:

a. VA Form 10–1170 is completed by community agencies wishing to provide long term care to veterans receiving VA benefits.

b. VA Form 10–2407 is an application used by a residential care facility or home that wishes to provide residential home care to veterans. It serves as the agreement between VA and the residential care home that the home will submit to an initial inspection and comply with VA requirements for residential care.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 21, 2006 at pages 76727–76728.

Affected Public: Not-for-Profit Institutions, State, Local or Tribal Government.

Estimated Annual Burden:

a. VA Form 10–1170—83 hours.

b. VA Form 10–2407—42 hours.

Estimated Average Burden per Respondent:

a. VA Form 10–1170—10 minutes.

b. VA Form 10–2407—5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents:

a. VA Form 10–1170—500.

b. VA Form 10–2407—500.

Dated: February 21, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–4008 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0219]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0219'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0219.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Application for CHAMPVA Benefits, VA Form 10–10d.

b. CHAMPVA Claim Form, VA Form 10–7959a.

c. CHAMPVA Other Health Insurance (OHI) Certification, VA Form 10–7959c.

d. CHAMPVA Potential Liability Claim, VA Form 10–7959d.

OMB Control Number: 2900–0219.

Type of Review: Extension of a currently approved collection.

Abstract:

a. VA Form 10–10d is used to determine eligibility of persons applying for healthcare benefits under the CHAMPVA program.

b. VA Form 10–7959a is used to accurately adjudicate and process beneficiaries claims for payment/reimbursement of related healthcare expenses.

c. VA Form 10–7959c is used to systematically obtain other health insurance information and to correctly coordinate benefits among all liable parties.

d. VA Form 10–7959d is used to gather additional information relative to the injury or illness as well as third party claim information.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 20, 2006, at pages 67205–67206.

Affected Public: Individuals or households, and business or other for-profit.

Estimated Annual Burden: 19,668 hours.

a. VA Form 10–10d—4,917 hours.
b. VA Form 10–7959a—4,717 hours.
c. VA Form 10–7959c—9,567 hours.
d. VA Form 10–7959d—467 hours.

Estimated Average Burden per Respondent:

a. VA Form 10–10d—10 minutes.
b. VA Form 10–7959a—10 minutes.
c. VA Form 10–7959c—10 minutes.
d. VA Form 10–7959d—7 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 119,200.

a. VA Form 10–10d—29,500.
b. VA Form 10–7959a—28,300.
c. VA Form 10–7959c—57,400.
d. VA Form 10–7959d—4,000.

Dated: February 15, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–4009 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0689]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0689'' in any correspondence.

For Further Information or a Copy of the Submission Contact: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7045 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0689.''

SUPPLEMENTARY INFORMATION:

Title: Survey of Satisfaction of Operation Iraqi Freedom/Operation Enduring Freedom (OIF/OEF) Amputees, VA Form 10–21082(NR).

OMB Control Number: 2900–0689.

Type of Review: Extension of a currently approved collection.

Abstract: VA will use the data collected to determine whether the health care needs of amputees and severely injured veterans returning from Iraqi Freedom and Operation Enduring Freedom are being met and to identify areas where improvement is needed.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 6, 2006 at page 70847.

Affected Public: Individuals or households.

Estimated Annual Burden: 60 hours.

Estimated Average Burden per Respondent: 18 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 200.

Dated: February 22, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–4010 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0577]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0577'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0577.''

SUPPLEMENTARY INFORMATION:

Title: Spina Bifida Award Attachment Important Information, VA Form 21–0307.

OMB Control Number: 2900–0577.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0307 is used to provide children of Vietnam veterans who have Spina Bifida with information about VA health care and vocational training and the steps they must take to apply for such benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 21, 2006 at page 76726.

Affected Public: Individuals or households.

Estimated Annual Burden: 19 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 75.

Dated: February 22, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–4011 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Disability Benefits Commission; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Veterans' Disability Benefits Commission has scheduled a meeting for March 22–23, 2007 in the Hamilton Ballroom of the Hamilton Crowne Plaza Hotel, 14th and K Streets, NW., Washington, DC. The meeting will begin at 8:30 a.m. each day. The March 22 session will end at 5:15 p.m. and the March 23 session will end at 5 p.m. The meeting is open to the public.

The purpose of the Commission is to carry out a study of the benefits under the laws of the United States that are provided to compensate and assist veterans and their survivors for disabilities and deaths attributable to military service.

The agenda for the meeting will feature updates on the progress of the studies being conducted by the Center for Naval Analyses (CNA) and the Institute of Medicine (IOM). The Commission will receive presentations on the application of VA's disability rating schedule and several draft Issue Papers in various stages of development. There will also be a discussion of the format and outline to be used for the Commission's final report. The Commission will also receive comments from interested parties on Research Question 19, ''Pending Claim Ends with Death.''

Interested persons may attend and present oral statements to the Commission on March 23. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Commission prior to the meeting or at any time, by e-mail to *veterans@vetscommission.com* or by mail to Mr. Ray Wilburn, Executive Director, Veterans' Disability Benefits Commission, 1101 Pennsylvania Avenue, NW., 5th Floor, Washington, DC 20004.

Dated: March 1, 2007.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 07–1058 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Enhanced-Use Lease of the Louis Stokes Cleveland VA Medical Center, Brecksville, OH

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Intent to Enter into an Enhanced-Use Lease.

SUMMARY: The Secretary of the Department of Veterans Affairs (VA) intends to enter into an enhanced-use lease (EUL) for the Louis Stokes Cleveland VA Medical Center, Brecksville, Ohio. Under the terms of the EUL, the selected lessee/developer would provide the Department with fair consideration in the form of discounted services needed at its Cleveland (Wade Park) campus. Such services would include administrative space and parking services. Additionally, the selected lessee/developer would make domiciliary services available to veterans in a private facility located within operational proximity of Wade Park.

FOR FURTHER INFORMATION CONTACT: Gregg Buckley, Office of Asset Enterprise Management (004B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–5518.

SUPPLEMENTARY INFORMATION: Title 38 U.S.C. 8161, *et seq.* specifically provides that the Secretary may enter into an enhanced-use lease if he determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located. This project meets this requirement.

Approved: February 27, 2007.

R. James Nicholson,

Secretary of Veterans Affairs.

[FR Doc. E7–4014 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Enhanced-Use Lease for Development of Transitional Residential Homeless Program at the Department of Veterans Affairs Medical Center, Butler, PA

AGENCY: Department of Veterans Affairs.

ACTION: Notice of intent to enter into an enhanced-use lease.

SUMMARY: The Secretary of the Department of Veterans Affairs (VA) intends to enter into an enhanced-use lease of approximately 0.46 acres including a 6,000-square foot building at the VA Medical Center (VAMC) in Butler, Pennsylvania. The selected lessee would develop, finance, construct, manage, maintain and operate a transitional residential homeless program. The lessee also would be required to provide VA with in-kind consideration consisting of construction and improvement work on the VAMC campus and services relating to shelter, job preparation, and referrals for health care programs needs.

FOR FURTHER INFORMATION CONTACT: Alan Hackman, Office of Asset Enterprise Management (004B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–5875.

SUPPLEMENTARY INFORMATION: Title 38 U.S.C. section 8161 *et seq.* specifically provides that the Secretary may enter into an enhanced-use lease if he determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located. This project meets this requirement.

Approved: February 27, 2007.

R. James Nicholson,

Secretary of Veterans Affairs.

[FR Doc. E7–4001 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Enhanced-Use Lease Development of Property at the Department of Veterans Affairs Medical Center in Dayton, OH

AGENCY: Department of Veterans Affairs.

ACTION: Notice of intent to enter into an enhanced-use lease.

SUMMARY: The Secretary of the Department of Veterans Affairs (VA) intends to enter into an enhanced-use lease of approximately 0.6 acres of land and an existing building (Building No. 402) at the VA Medical Center in Dayton, Ohio. The lease would have an initial term of 65 years, and an option to extend such term for 10 additional years. In exchange for and as consideration under the lease, the selected lessee would be required to

develop, finance, renovate, construct, manage, maintain, and operate the building as a facility comprised of not less than 27 units, and provide transitional housing and supportive services to homeless individuals within the community. Such housing and supportive services would be provided by the lessee to veterans on a priority basis. As further consideration, VA would receive an annual rent of $5,000 (subject to yearly increases per a HUD fair market rent escalator) plus additional in-kind consideration, such as case management and counseling services, from the lessee during the lease term.

FOR FURTHER INFORMATION CONTACT: William Sexton, Office of Asset Enterprise Management (004B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–9470.

SUPPLEMENTARY INFORMATION: Title 38 U.S.C. 8161, *et seq.* states that the Secretary may enter into an enhanced-use lease if he determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located. This project meets this requirement.

Approved: February 27, 2007.

R. James Nicholson,

Secretary of Veterans Affairs.

[FR Doc. E7–4015 Filed 3–6–07; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Wednesday,
March 7, 2007

Part II

Department of Agriculture

Forest Service

36 CFR Part 228

Department of the Interior

Bureau of Land Management

43 CFR Part 3160

Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations; Final Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 228

RIN 0596–AC20

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

[W0–610–411H12–24 1A]

RIN 1004–AD59

Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations

AGENCIES: U.S. Forest Service, Agriculture; Bureau of Land Management, Interior.

ACTION: Joint final rule.

SUMMARY: This final rule revises existing Onshore Oil and Gas Order Number 1 which was published in the October 21, 1983, edition of the **Federal Register**. The Order provides the requirements necessary for the approval of all proposed oil and gas exploratory, development, or service wells on all Federal and Indian (other than those of the Osage Tribe) onshore oil and gas leases, including leases where the surface is managed by the U.S. Forest Service (FS). It also covers most approvals necessary for subsequent well operations, including abandonment. The revision is necessary due to provisions of the 1987 Federal Onshore Oil and Gas Leasing Reform Act (Reform Act), the Energy Policy Act of 2005 (Act), legal opinions, court cases since the Order was issued, and other policy and procedural changes. The revised Order addresses the submittal of a complete Application for Permit to Drill or Reenter package (APD), including a Drilling Plan, Surface Use Plan of Operations, evidence of bond coverage and Operator Certification. The final rule ensures that the processing of APDs is consistent with the Act and clarifies the regulations and procedures that are to be used when operating in split estates, including those lands within Indian country. The final rule addresses using Master Development Plans (which address two or more APDs) to approve multiple well development proposals and encourages the voluntary use of Best Management Practices as a part of APD processing. Finally, the rule requires additional bonding on certain off-lease facilities and clarifies the BLM's authority to require this additional bond.

DATES: This final rule is effective April 6, 2007.

FOR FURTHER INFORMATION CONTACT: James Burd at (202) 452–5017 or Ian Senio at (202) 452–5049 at the BLM or Barry Burkhardt at (801) 625–5157 at the Forest Service. Persons who use a telecommunications device for the deaf (TDD) may contact these persons through the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of the Final Rule and Comments
III. Procedural Matters

I. Background

The regulations at 43 Code of Federal Regulations (CFR) part 3160, Onshore Oil and Gas Operations, in section 3164.1 provide for the issuance of onshore oil and gas orders to ''implement and supplement'' the regulations in part 3160. Also, 36 CFR 228.105 provides for the issuance of FS Onshore Orders or for the co-signing of orders with the BLM. Although they are not codified in the CFR, all onshore orders are issued using notice and comment rulemaking and, when issued in final form, apply nationwide to all Federal and Indian (other than those of the Osage Tribe) onshore oil and gas leases. The table in 43 CFR 3164.1(b) lists existing Orders. This rule revises existing Onshore Oil and Gas Order Number 1 (the Order) which supplements primarily 43 CFR 3162.3 and 3162.5. Section 43 CFR 3162.3 covers conduct of operations, applications to drill on a lease, subsequent well operations, other miscellaneous lease operations, and abandonment. Section 3162.5 covers environmental and safety obligations. In this rule the FS adopts the Order which would supplement 36 CFR 228 subpart E. The existing Order has been in effect since November 21, 1983. For further information, see the October 21, 1983 **Federal Register** at 48 FR 48916.

The BLM and the FS published the proposed rule in the **Federal Register** on July 27, 2005 (70 FR 43349), for a 30-day comment period and on August 26, 2005 (70 FR 50262) extended the comment period for 60 days. On August 8, 2005, the President signed the Energy Policy Act of 2005 (Act). Provisions in the Act impacted the timing of APD approval provisions in the original proposed rule. Therefore, on March 13, 2006, the BLM and the FS published a further proposed rule to make the provisions in the originally published proposed rule consistent with the Act. The further proposed rule also modified a provision in the proposal regarding proposed operations on lands with Indian surface and Federal minerals.

II. Discussion of the Final Rule and Comments

There are four primary reasons the Order is being revised:

1. The 1987 Reform Act, which amended the Mineral leasing Act, 30 U.S.C. 181 *et seq.*, included two significant changes affecting APD processing on Federal leases. The first important change is the addition of a provision for public notification of a proposed action before APD approval or substantial modification of the terms of a Federal lease.

The second important change the Reform Act made is the assignment of authority to the Secretary of Agriculture to approve and regulate the surface disturbing activity associated with oil and gas wells on National Forest System (NFS) lands. Where NFS lands are involved, a Surface Use Plan of Operations, included in an APD, is now approved by the FS. The FS also approves surface disturbing aspects of related and subsequent operations. The FS has actively participated in this revision, and is a cosigner of this Order. The Order would apply to FS review of oil and gas surface operations.

Section 366 of the Energy Policy Act of 2005 sets steps and time requirements for processing APDs. The Order has been revised to be consistent with section 366 requirements.

2. In response to protests to two Resource Management Plans in April 1988, the Office of the Solicitor of the Department of the Interior issued two memorandums related to oil and gas issues. The first and most far-reaching (issued by the Associate Solicitor, Energy and Resources on April 1, 1988, titled ''Legal Responsibilities of BLM for Oil and Gas Leasing and Operations on Split Estate Lands''), concerned BLM responsibilities on Federal leases overlain by private surface (split estate). In this memorandum the Solicitor's Office opined that the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA) require the BLM to regulate exploration, development, and abandonment on Federal leases on split estate lands in essentially the same manner as a lease overlain by Federal surface. The memorandum also stated that while a private owner's wishes should be considered in decisions, they do not overrule requirements of these

statutes and their implementing regulations.

The second memorandum (issued by the Assistant Solicitor, Onshore Minerals, Division of Energy and Resources on April 4, 1988, titled ''Legal Responsibilities of BLM for Oil and Gas Leasing and Operations under the National Historic Preservation Act'') lays out in more detail the BLM's responsibilities under NHPA, elucidating further the discussion on cultural resources in the first opinion.

The pertinent requirements of the existing Order do not fully conform to the memorandums issued by the Solicitor's Office in 1988.

3. The existing Order does not adequately address the BLM Rights-of-Way or FS Special Use Authorizations which are often required for ancillary facilities or those activities outside of lands committed to a unitized area. This has led to confusion and delays on the part of both the agencies and industry. Under the existing Order, APD approval is often delayed pending completion and approval of a Right-of-Way or Special Use Authorization. We intend for the proposal to eliminate or reduce this delay. The rule provides for early identification of any needed Right-of-Way or Special Use Authorization, allows for conducting a single environmental analysis for the APD and Right-of-Way or Special Use Authorization, and permits concurrent approval of the Right-of-Way or Special Use Authorization with the APD. On NFS lands, the FS will approve activities directly related to the drilling and production of the well consistent with 36 CFR Subpart E.

4. Existing Order Number 1 is over 20 years old. Conditions, regulations, policies, procedures, and requirements have been altered, added, and eliminated since the Order was issued. The BLM is in the process of reviewing Field Office practices and the preliminary findings from that review were considered in the proposed revisions to the Order. The BLM has reorganized the Order to follow the review and approval process and the processing timeframes for each step are now in one section. Also, operations on split estate are discussed in more detail.

The BLM encourages operators to employ Best Management Practices when they develop their APDs. Best Management Practices are innovative, dynamic, and economically feasible mitigation measures applied on a site-specific basis to reduce, prevent, or avoid adverse environmental or social impacts. The BLM Field Offices incorporate appropriate Best Management Practices into proposed APDs and associated on-lease and off-lease Rights-of-Way approvals after required NEPA evaluation. They can then be included in approved APDs as Conditions of Approval. Typical Best Management Practices can currently be found on the BLM's Web site at *http://www.blm.gov/bmp/.*

Discussion of Major Changes

Definition of ''Complete APD''

The term ''Technically and Administratively Complete APD'' has been replaced with a clear definition of ''Complete APD.'' This new definition reflects what is already a common practice in many Field Offices and would require all Field Offices to adopt the same convention. The new definition makes the approval process more consistent. The BLM considered defining the terms ''Administratively complete'' and ''Technically complete'' separately, but abandoned this idea because it is difficult to separate the two concepts and because potential delays might be caused when processing APDs in certain circumstances. This final rule requires that an onsite inspection conducted jointly by the BLM (and the FS if appropriate) and the operator be completed prior to the BLM designating the APD package as complete. The BLM (and the FS if appropriate) currently conducts onsite inspections to determine if the material submitted in the APD package is accurate and to determine if Conditions of Approval are necessary. Examining existing on-the-ground circumstances is the only way to ensure that the information in the APD package is consistent with conditions at the proposed drill site and along the proposed access route. The final rule codifies the current BLM practice of onsite inspections as part of the APD approval process.

APD Processing

Section 366 of the Act amends the Mineral Leasing Act (30 U.S.C. 226(p)(1)) and adds the statutory requirement that the Secretary shall notify an applicant within 10 days of receiving an APD and state that either the APD is complete or specify what additional information is required to make the application complete.

The Act requires that the Secretary (the BLM is the delegated authority) approve an APD within 30 days after its completion or notify the applicant of: (1) Any actions that the operator can take to get approval; and (2) What steps, such as National Environmental Policy Act (NEPA) or other regulatory compliance, remain to be completed and the schedule for completion of these requirements. This provision of the Act is made a part of the final rule.

In those situations where the BLM defers the decision, the Act and the final rule give the applicant 2 years to take whatever actions are identified in the 30-day notice. The Act amends 30 U.S.C. 226 by adding a new paragraph (p)(3)(B), and the final rule also adds a new requirement that the BLM must make a final decision on the application within 10 days of the applicant's completion of these requirements, if all other regulatory requirements are complete. The timeframes established in this section apply to both individual APDs and to the multiple APDs included in Master Development Plans. Even though the time limits established in Section 366 of the Act are amendments to the Mineral Leasing Act and, therefore, do not apply to Indian leases, the final rule states that the same time limit will apply to both Federal and Indian leases.

The BLM does not approve Surface Use Plans of Operations for National Forest Service (NFS) lands. The FS notifies the BLM of its Surface Use Plan of Operations approval and the BLM proceeds with its APD review. For APDs on NFS lands, the decision to approve a Surface Use Plan of Operations or Master Development Plan are subject to existing FS appeal procedures, which may take up to 105 days from the date of the decision. Pursuant to the Mineral Leasing Act (30 U.S.C. 226(g)), as amended by the Reform Act, the final rule in Section III.E.2.b. provides that the BLM may not approve an APD until the FS has approved the Surface Use Plan of Operations. This condition is consistent with the addition to Section 17 of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) adopted in Section 366 of the Energy Policy Act, which provides that the Secretary shall issue a permit within 30 days only if requirements of other applicable law have been completed within that timeframe. Therefore, in situations where the Surface Use Plan of Operations is not approved, the BLM will provide notice within the 30-day period that action on the APD will be deferred until the FS completes action on the Surface Use Plan of Operations.

Operating on Split Estate Lands With Indian Surface Ownership

The final rule makes it clear that split estate lands include those having Indian surface and Federal minerals. It also explains that the operator is required to address surface use issues with the Bureau of Indian Affairs (BIA) when Indian trust lands are involved.

The final rule addresses the responsibility of the operator to confer

with surface owners in the case of privately owned surface and Federal/Indian leases, as well as Indian oil and gas leases where the surface is in different Indian ownership. The final rule applies to privately owned surface and to all Indian surface and Federal oil and gas lease situations. The final rule requires a good faith effort to reach a Surface Access Agreement, and provides for the posting of a bond to protect against covered damages in the absence of an agreement. This final rule codifies existing policy with the exception that surface owner compensation is based on the terms of the statute that reserved the mineral estate. Under the previous rules, this compensation was based on the terms of the Stockraising Homestead Act.

Drilling and Surface Use Plans

The final rule makes specific changes to the drilling and surface use plans as follows:

The former 8-point Drilling Program (also referred to as the Subsurface Use Plan) is replaced with a 9-point Drilling Plan. The new requirement in the final rule requires the operator to address the type and amount of cement to be used in setting each casing string.

The final rule replaces the former 13-point Surface Use Program (or Plan) with a 12-point Surface Use Plan of Operations. ''Operator Certification'' is a separate component of the APD in the final rule. The final rule makes it clear that the Operator Certification covers the entire APD package and not just the Surface Use Plan of Operations. Under the final rule, the operator is required to certify that they have made a good faith effort to provide the surface owner with a copy of the Surface Use Plan of Operations and any Conditions of Approval that are attached to the APD.

Master Development Plans

The final rule establishes a new approval process for Master Development Plans. An operator uses this process to submit plans for field development of a multiple well program. A Master Development Plan proposal can be addressed in a single NEPA analysis and approval. This facilitates the consideration of cumulative effects early in the process and enables broad application of identified mitigation measures, and minimizes the overall timeframe for approval. Because the process allows for better planning of field development, adverse environmental impacts are minimized.

Use of Best Management Practices

The final rule encourages operators to use Best Management Practices when developing their APDs. Using Best Management Practices is the BLM's current policy. Best Management Practices are innovative, dynamic, and economically feasible mitigation measures applied on a site-specific basis that reduce, prevent, and avoid adverse environmental or social impacts of oil and gas activities. The BLM Field Offices currently incorporate Best Management Practices into proposed APDs and associated on-lease and off-lease Rights-of-Way approvals if they are carried forward as part of the NEPA required evaluation or environmental review. This final rule clarifies the existing policy that Best Management Practices may be included as Conditions of Approval. The BLM started using Best Management Practices in 2004 and encourages the voluntary use of these practices.

Bonding Authority

The final rule clarifies the BLM's authority under 43 CFR 3104.5 to require an additional bond to be applied to off-lease facilities that are required to develop a lease, such as the large impoundments being created in Wyoming for water produced from Federal and non-Federal coalbed natural gas wells. The BLM is directed by the Reform Act to require sufficient bond to insure ''the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease'' 30 U.S.C. 226(g). An Assistant Solicitor's Opinion of July 19, 2004, concluded that the BLM has the authority under existing regulations to require an additional bond for such facilities and that the current regulation does not limit the BLM to increasing the required amount of an existing bond. Accordingly, the final rule does not represent a change in the regulatory scheme.

Response to Comments

The BLM received 81 comments on the proposed and further proposed rules. In the following discussion we categorize the comments according to the sections of the text or preamble to which the comments were directed. Some comments were general in nature and did not relate to a particular section in the text or preamble. These are grouped in a general category and addressed accordingly. Other comments are grouped by the section of the Order to which they pertain. If a section of the Order is not discussed in this preamble, that means that we received no public comment on that section. Note that, when used in conjunction with Section 106 of the National Historic Preservation Act and the Endangered Species Act, ''inventory'' and ''survey'' are equivalent terms and are used interchangeably.

Although we received no substantive comments on the proposed changes to 36 CFR 228.105(a)(1) (FS regulations), we amended that section in the final rule to make it consistent with the final Order.

General Comments

Several commenters asked that the five statutory categorical exclusions that are in Section 390 of the Energy Policy Act of 2005 be included in the Order. The Order does not address the statutory categorical exclusions because they are already a legal requirement and we believe they would best be addressed in subsequent manual and handbook updates. Some commenters were concerned that we would apply acreage limits for categorical exclusions to Master Development Plans rather than leases. These comments exemplify the problems that would be inherent in addressing categorical exclusions in the Order.

One commenter asserted that revising the Order was premature until the BLM has the data from the pilot project under Section 365 of the Energy Policy Act of 2005. We disagree. The BLM is looking forward to obtaining useful information from the pilot projects, but there is no reason to delay revisions to the Order.

A few commenters believed that we should use stronger language than saying that ''BLM will comply with other applicable laws'' before approving an APD as stated in Section III. and in numerous other places in the Order. We disagree. The language in the rule is similar to that in the Energy Policy Act of 2005 (Act). The Order is clear and requires that the BLM comply with applicable law naming NEPA, the National Historic Preservation Act, and the Endangered Species Act, which are the principal laws impacting Federal actions related to approval of APDs. We do not believe that a description of the requirements of other applicable law is needed or appropriate because those requirements are adequately addressed in other rules and policy specific to implementation of those laws.

One commenter said the rule should address conducting cultural inventories prior to approving geophysical operations. We disagree. Geophysical operations are outside the scope of this rule and are generally approved under

43 CFR subpart 3150 (or FSM 2860 on National Forest System (NFS) lands).

One commenter asked that we delay publishing a final rule until the split estate report to Congress required by Section 1835 of the Act was complete. We believe that it is not necessary to wait for completion of the report because the rule must be consistent with existing law and we cannot speculate on potential changes to law that may occur as a result of the split estate report. However, the rule has been written in consultation with those involved in drafting the split estate report and is consistent with their findings and existing law.

One commenter asked that we describe in the Order how we would revise existing leases and modify them with a stronger emphasis on monitoring and public involvement that result from new or updated land use plans. The BLM involves stakeholders in land use plans when they are written and this becomes the basis for subsequent leasing decisions. However, revision of existing leases is beyond the scope of this Order. We are required by the Reform Act to post for public notification each pending APD and we evaluate each APD and attach appropriate Conditions of Approval depending on the proposed action. While this may not change previously approved APDs, the duration of the approved APD and subsequent drilling activity is sufficiently short that we do not anticipate that they will need to be updated. We are required by the Reform Act to conduct a certain level of monitoring regardless of Conditions of Approval or even the vintage of the APD so that existing productive wells are similarly not likely to present a problem relevant to decisions based on old land use plans.

Several commenters suggested that the BLM and the FS adopt certain state procedures that the commenter said would greatly reduce the amount of time required to process an application. The BLM and the FS have other regulatory requirements that exceed the states' responsibilities. The additional requirements may lengthen the application and approval process. The BLM and the FS must comply with various legal mandates such as NEPA and the National Historic Preservation Act that do not apply to states, but must be addressed in the Order. These Federal mandates make the process for approving oil and gas operations different than the process for State governments and, therefore, we did not modify the final Order as a result of this comment.

A few commenters stated that as proposed, the Order will not streamline the APD process. The Order cannot eliminate any steps required by various environmental laws, but can provide clarification, for both industry and the involved agencies. We believe that the Order will facilitate and encourage up-front planning, application of Best Management Practices, submission of geospatial data, etc., which may shorten the time needed to approve an APD. Also, the use of Master Development Plans will facilitate early project design and analysis and help to streamline subsequent permitting.

Many commenters believe that the Order nullifies or preempts the various state laws related to drilling operations and private surface owner negotiations. We disagree. The Order only addresses Federal obligations for operations on Federal lands which may be distinct from state obligations or private surface owner agreements. The Order would only impact state law or private agreements to the extent that they conflict with Federal obligations. In addition, the Order does not negate or preempt other Federal, state, or local laws and/or ordinances.

Two commenters challenged our purpose for the proposed Order and said that our purpose was really to elevate the legal standing of the existing Order and to limit the ability of surface owners to negotiate damages with operators as may be provided in certain state laws. We disagree. The proposed Order will have the same level of importance as the existing Order. As a regulation the Order does not change or negate other Federal or state statutes. State laws are limited in their application to Federal leases by the terms of Federal law, such as those that are the source of the titles of the surface owners, i.e., Federal land patenting statutes, and not because of this regulation.

Several commenters challenged our inclusion of the April 1, 1988 solicitor's memorandum that defines the BLM's responsibilities regarding compliance with various laws without input from the current solicitor. The Office of the Solicitor was fully involved in review and drafting of the proposed rule, the further proposed rule, and this final rule. Contrary to what the commenters imply, the Solicitor's memorandum cited in the proposed rule still reflects the state of the law.

Several commenters suggested that the BLM and the FS honor state statutes which outline a procedure whereby private landowners negotiate with oil and gas lessees toward damages presumably caused by oil and gas development. Some commenters contended that the proposed rule would put new limits on compensation that are based in the original surface patents. The BLM and the FS do not enforce state law; however, we do not object to negotiations between the surface owner and operators. In fact, Federal law and our policy require that the operator make a good faith effort to enter into an agreement with the surface owner. How that negotiation takes place and the nature of any agreement reached is beyond our authority to direct. We do not determine the amount of compensation unless a bond is filed when the operator and surface owner are unable to reach an agreement. In those cases we must determine what, if any, limitations on compensation were contained in the original patent and then determine the amount of bond necessary under Federal law for the damages it addresses. We will assure that the bond amount is maintained throughout the life of the oil and gas operation by requiring replenishment of the bond if it is drawn upon for compensation. Whether states require, or can require, additional bonding is outside the scope of this rule.

Several commenters stated that the Surface Use Plan of Operations does not require the operator to identify the location of the proposed well and that the draft Order should require restoration, not reclamation. A listing of the proposed well location is a required part of a complete APD. A well plat is required as is a map in the Surface Use Plan of Operations that shows all proposed surface disturbance. Reclamation is described in the Order as returning the disturbed land to as near its predisturbed condition as is reasonably possible. Section XII.B. of the Order requires that the surface owner be notified and involved in determining reclamation requirements.

Several commenters stated that the rule removes the rights of private landowners granted by various state statutes pertaining to planning and damage compensation. We disagree. The final rule does not affect rights of private landowners; it is based on long established law.

Several commenters stated that the rule was contrary to the provisions of Executive Order 13352 on the facilitation of cooperative conservation. We disagree with the commenters. The same commenters believe that the Order eliminates private parties from significant decisions that affect their ability to manage their private property. It is unclear what in the rule these commenters believe is limiting private surface owner rights. This Order does not change existing laws that deal with

split estate situations. The laws (Stockraising Homestead Act and others and implementing regulations at 43 CFR subpart 3814) are not revised as a result of this rule. This Order clarifies and ensures the APD review process includes the private surface owner and that the BLM adheres to existing laws and legal decisions involving split estate. Also this rule offers surface owners more input into the process and also provides surface owners more information than did the previous Order.

Several commenters stated that the rule does not promote cooperative conservation, but rather removes rights of the private property owner and places them in the hands of BLM personnel with regards to negotiations for surface activities and damages. The commenters appear to be addressing the provisions in Section VI. of the Order that address operations on private surface with underlying Federal minerals. We disagree with the commenters that the Order does not promote cooperative conservation. This rule offers surface owners more input into the process and also provides surface owners more information than did the previous Order. In addition, the rule is not creating new procedures, but is merely implementing existing law and procedures.

Several commenters said that the BLM should acknowledge that its attempt to impose Federal regulations for oil and gas development underneath private lands in states with surface owner protection acts is not in any way simple or easy to understand. Commenters said that it complicates and confuses the issue, regardless of the words used and that it could have an effect on energy supplies. The same commenters said that if the BLM wants to clarify this issue, then it needs to intervene and have the courts resolve the issue of Federal preemption of state statutes. No intervention by the BLM on this subject is necessary; any party may raise that issue. The final rule implements existing law, it does not change its interpretation. There is no administrative action the rulemaking can take which will change the acts of Congress, the body of law, nor over a hundred years of legal decisions, highlighted by the decision in *Kinney-Coastal Oil Co.* v. *Kieffer, 277 U.S. 488 (1928).*

Several commenters disagreed that the rule will not have Federalism implications as defined by Executive Order 13132. We disagree. Existing policy and this final rule are based on a strict interpretation of existing law. Surface owners have only the substantive rights provided by Federal statute, including the laws under which the surface was patented. The Order adds a procedural requirement of a good faith attempt to notify the surface owner and attempt to reach an agreement, but that does not change the dominant character of the federally owned oil and gas or the rights of Federal lessees. The Order includes the lessee's right to post a bond if a good faith attempt to reach an agreement with the surface owner fails and requires compensation to surface owners as is required by the patenting act. The authority of states with respect to reserved Federal minerals is established in statutes dating back to the early twentieth century and is not altered by this Order and there are no Federalism implications because it is existing law, not this Order, that may conflict with state statutes.

Several commenters said that private landowners would be significantly impacted by the rule and were ''* * * entitled to protection under the Regulatory Flexibility Act * * *.'' We disagree. Even if private land owners were considered to be ''small entities'' as that term is defined under the Regulatory Flexibility Act, we do not believe that private land owners are significantly impacted by the changes that this rule makes to the existing Order. Furthermore, it is existing law that governs split estate; this rule merely codifies the existing law.

Several commenters stated that the rule would constitute a taking because of diminution of land values that the rule causes. We disagree. This Order implements existing law. Surface owners still own the surface, which remains subservient to the dominant mineral ownership of the United States. The procedures adopted in this Order do not affect surface owners' property rights.

Many commenters disagreed with the statement in the proposed rule that the regulations do not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million citing costs private landowners are forced to bear by being limited in the damages that they can receive for oil and gas activities on their lands. We disagree. The changes that this rule makes to the existing Order and existing procedures do not alter the damages to be covered by bond. The changes this rule makes having to do with damages that occur on private surface as a result of operations to extract Federal minerals are not as a result of the BLM's exercise of this rulemaking, but our effort to more faithfully reflect existing statutory law. Furthermore, the rule primarily impacts lessees or operators filing APDs with the BLM and the FS, not State, local, or tribal governments.

Several commenters stated that they disagree with the statement in the proposed rule that ''this proposed rule would not unduly burden the judicial system * * *.'' The commenters said that given the inherent legal conflict with states which have passed surface owner protection acts with provisions that are different than those included in this rule, the BLM's statement that this will not burden the judicial system is unsubstantiated. We disagree. As stated earlier, this rule implements well established law and therefore is not the source of the legal conflict in which the commenters are involved.

Section-By-Section Discussion

Section I. Introduction

Purpose: This section describes the statutory authority on which this Order is based and describes the purpose and scope of the Order. The authority upon which the Order is based has changed since the 1983 Order was published by the Reform Act and the Energy Policy Act of 2005. The Reform Act granted the Secretary of Agriculture authority to regulate all surface disturbing activities conducted pursuant to an oil and gas lease on NFS lands.

Comments and Responses: One commenter asked that the BLM consider delegating the permitting responsibility to state agencies. The BLM cannot delegate permitting responsibility because Federal law requires that the Department of Interior (delegated to the BLM) authorize permitting of oil and gas activities on Federal land. Also, 30 U.S.C. 1735 does not provide for delegation of APD approval as it does for other aspects of the oil and gas program. The process of delegation is available to State governments for consideration under 43 CFR subpart 3191; however, it is limited to inspection, enforcement, and investigation, but not for the approval of operations. Further, the commenter didn't offer any statutory authority for this delegation and we are not aware of any.

One commenter did not think it appropriate for the Order to apply to operations within a unit or communitized area on private minerals or private surface. We agree. While the site security, measurement, and production reporting regulations apply to unitized wells drilled on private minerals (43 CFR 3161.1), it is not appropriate for the BLM or the FS to exercise authority over surface operations conducted on privately

owned lands just because those lands are contained within a unit or communitized area. The BLM only requires a copy of the permit to be provided for non-Federal wells within a unit or communitized area and wording in the ''Scope'' section of the Order is revised to make this clear.

Section II. Definitions

Purpose: This section contains the meaning of terms that are necessary to ensure consistent interpretation and implementation of this Order.

Summary of Changes: We added definitions for Best Management Practices and Casual Use to make the definition of those terms clearer. Another change made in this section was to accept the many recommendations to change ''Surface Management Entity'' to ''Surface Managing Agency.'' By doing so, many of the other comments that sought clarification of the role of BIA and tribes were resolved. We also added a definition of ''Private Surface Owner'' to provide clarity.

Comments and Responses: Several commenters expressed concern that all maps and plats required as part of a complete APD (see the definition of ''Complete APD'') must be submitted in both hard copy and geospatial data formats. They were concerned that the requirement could impose a financial hardship for some operators and that some of the data may be proprietary. They requested that the geospatial data format be optional. Geospatial data is a vital tool for facilitating timely processing of applications. The BLM and the FS use the geospatial data to link data and facilitate analysis. However, we recognize the concerns expressed in the comments and have modified the rule to make submission of geospatial data, except for the well plat, optional rather than mandatory. The BLM strongly recommends the submission of the data in geospatial format as it will assist us in timely review of applications. We will still require geospatial data for the well plat showing the proposed well location to assist us in assuring that the well is accurately located in relation to lease boundaries.

Many commenters made observations or asked questions about the definition of a complete APD. Many noted that the definition now includes an onsite inspection. A few commenters stated that this requirement circumvents the intent of Congress expressed in the Energy Policy Act of 2005 by making moot the statutory 10-day timeframe for the BLM to determine the completeness of an APD. These commenters note that there is no set timeframe from the date the APD is received until the onsite must be conducted. Many of these commenters assume that various inventories must be completed in order to hold the onsite, thereby creating additional delays. However, one commenter expressed support for including the onsite inspection as part of the ''Complete APD'' definition. A few other commenters expressed concerns that the Order fails to put timeframes on the BLM and the FS staff for the timely review of APDs and allows each specialist to review the APD on their own schedule. The BLM and the FS recognize the significance of these comments, but from our experience we know that it is necessary to conduct an onsite inspection to determine if certain aspects of the APD are accurate, sufficient to describe the proposed action and, thereby, complete. It is also our experience that scheduling and conducting an onsite inspection within a specific period of time (e.g., 15 days from receipt of the APD as is in the existing Order) is often not possible because of availability of key agency staff, the operator, and surface owner (in the case of private surface) or because of inclement weather. It is the policy of the BLM and the FS to conduct onsite inspections as soon as they can be scheduled. The BLM and the FS plan to closely monitor the interval between Notice of Staking or APD filing and onsite inspections to ensure that excessive delays do not occur and take corrective action if patterns of delay are noted. We added a requirement for the BLM and the FS, if appropriate, to evaluate any additional material requested in the 10-day notice or at the onsite inspection within 7 days (see Section III.D.2.a.). Inventories are not necessary for a complete APD and are not required before the onsite inspection. The operator may voluntarily provide cultural and wildlife survey data, but the responsibility to comply with NEPA, Endangered Species Act, National Historic Preservation Act, and other requirements is the responsibility of the agencies and therefore, is not a requirement of the applicant. Inventories are not part of an application. They are part of the analysis that must be made of the proposed action. They must be conducted prior to the approval of the proposed actions, not prior to determination of completeness of the application. In the final Order we modified the definition of ''Complete APD'' to clarify that inventories and NEPA documentation are not part of a ''Complete APD'' determination.

Several commenters wanted the definition of ''Complete APD'' to be expanded to clarify that a second onsite inspection is not needed if one was done as part of the Notice of Staking process. We believe that the Order adequately addresses this concern. The definition states that an onsite inspection is required for a complete APD. However, Section III. of the Order indicates that an onsite inspection will not be necessary after the APD is filed if one was conducted as part of the Notice of Staking process. These commenters also wanted the text to provide criteria for circumstances when an onsite would not be necessary. We understand that in some cases onsite inspections may not be necessary (e.g., new wells in developed fields). These situations are relatively uncommon and would be better addressed by a request for variance on a case-by-case basis, rather than by addressing it in the rule.

One commenter requested that ''other information that may be required by Order or Notice'' (see 43 CFR 3162.3–1(d)(4)) in the definition of ''Complete APD'' be deleted because it is not necessary. We did not delete the phrase from the definition in the final rule because the BLM may require additional information before approving an APD.

One commenter suggested that in addition to public health and safety or the environment, the definition of emergency repairs should be expanded to allow for repairs designed to preserve reservoir integrity. The BLM did not modify the final rule as a result of this comment because operators already have the option in Section VIII. to request approval of emergency operations verbally, if needed, followed by a Sundry Notice for reservoir operations.

Several commenters asked for clarification to the definitions of ''Indian Oil and Gas'' and ''Indian lands.'' They also asked that in the final rule we add a definition of ''Tribal Lands'' and clarify what we mean by the reference to ''tribal lands held in trust'' in Section VII. of the proposed Order. For the purpose of this Order, the definitions for ''Indian lands'' and ''Indian Oil and Gas'' is limited to those lands held in trust by the United States or subject to Federal restrictions against alienation and as such do not include unrestricted fee lands. Only for surface held in trust by the United States or subject to Federal restrictions against alienation does the BLM seek input from the Bureau of Indian Affairs (BIA) for APD approval. For other lands held in unrestricted fee, Indian owners are

treated as any other private surface owner, including for the purposes of bonding in lieu of surface owner agreement. We have added a definition of ''Private Surface Owner'' that includes certain Indian surface owners. We deleted the term ''Tribal lands'' from the Order and, therefore, did not provide a definition for that term.

One commenter stated that the regulations on Master Development Plans should not require submission of detailed surveys and designs for projected or future potential development. We agree. The intent of the requirement is to have the operator provide sufficient detail in the Master Development Plan application to facilitate NEPA analysis. The detail submitted with a Master Development Plan can vary depending on the project size and other criteria. However, final design and surveys are required for subsequent APDs that will reference a Master Development Plan before those APDs are approved. Another commenter stated that the filing of Master Development Plans should start the 30-day public posting requirement rather than the subsequent APDs. The Master Development Plan does initiate the 30-day posting period for any APDs contained in the Master Development Plan. However, any subsequent APD will have its own 30-day posting. We do not believe that it is necessary to change the text as a result of these comments because the process the commenter points out can be followed within the provisions in the final Order.

Several commenters stated that the proposed reclamation standard of ''reasonably practical,'' in the definition of ''Reclamation'' in Section II. is unacceptable. Commenters stated that this standard is so low that it flouts the Order's accountability mandate that lessees and operators properly reclaim disturbed lands in what could amount to a taking of private property. We understand the commenter's concern, but also recognize the difficulty in writing regulations that fit all circumstances when local conditions are highly variable. ''Reasonably practical'' is dependent upon the conditions at the specific site. The Conditions of Approval that address specific site conditions are much more effective in achieving reclamation goals than are general regulations. We also note that the surface owner is given an opportunity to participate in the development of the site specific reclamation standards and is consulted prior to acceptance of final abandonment. Other commenters were concerned that in some cases the BLM or the FS require that the disturbed area be reclaimed to a new use. They observe that some well pads have been reclaimed for trailheads rather than back to pre-existing condition. We agree and have added ''or as specified in an approved APD'' to the definition of reclamation to address these concerns.

Many commenters recommended replacing the term ''Surface Management Entity'' with ''Surface Managing Agency'' because use of the word ''entity'' implies that Federal agencies may delegate their responsibilities to states. Other commenters thought use of the word ''entity'' suggested that private land owners may have the same authority as state or Federal agencies. This definition also caused uncertainty relative to the role of tribes in the approval process. We agree with the commenters that the proposed term could cause confusion, therefore, in the final Order the term ''Surface Management Entity'' has been replaced by the term ''Surface Managing Agency.'' Under existing regulations and this final rule the BIA is the Surface Managing Agency when tribal lands are held in trust, but if lands are held in fee by an individual Indian those lands are treated as private surface.

Many comments suggested that the definition of ''split estate'' include surface that is leased from the Federal Government (such as grazing permits), and require that these permittees be notified when an APD or Notice of Staking is filed. Permittees are given use privileges, not property rights, and, therefore, are not considered surface owners. Therefore we did not amend the definition of split estate as requested by the commenter. Posting requirements under Section III. of the final Order and in existing 43 CFR 3162.3–1(h) are intended to make this type of information available to the interested public, including other Federal permit holders.

Several commenters suggested that we add definitions for waivers, exceptions, and modifications and a few commenters were unclear about the criteria for granting of variances. Based on these comments, in the final rule we added a section that addresses waivers, exceptions, and modifications to distinguish them from variances. Waivers, exceptions, and modifications are described in the BLM guidance and FS regulations (see 36 CFR 228.104). A variance from the Order may be granted if the applicant shows to the authorized officer that the purpose of the Order will still be met. We removed the reference to 43 CFR 3101.1–4 from the definition of variance because that regulation applies to waivers and modifications. One commenter stated that the granting of waivers, exceptions, and modifications should be based solely on technical grounds and that all challenges or appeals be reserved to the lessee or operator. We disagree because challenges and appeals of waivers, exceptions, and modifications cannot be restricted to lessees or operators unless the basis for this decision has already been made in a land use plan or other document that received public comment. Further, 43 CFR 3101.1–4 requires that if the authorized officer determines that the modification or waiver of a lease term or stipulation is substantial, the modification or waiver is subject to public review for at least 30 days.

One commenter recommended that the Order include definitions of ''Notice of Staking'' and of ''Sundry Notice.'' Proposed Section III.F. (Section III.C. in the final Order) describes the Notice of Staking option and a sample format is attached as an exhibit to the Order. The Sundry Notices and Reports on Wells (Form 3160–5) is self-explanatory and instructions are on the back of the form. We believe that the meaning of ''Notice of Staking'' and of ''Sundry Notice'' is adequately explained and, therefore, no change to the regulation text is necessary.

Section III. Application for Permit To Drill

Note: This section has been reorganized in the final rule and the references to sections used in this discussion of comments are from the proposed rule unless otherwise noted.

Purpose: This section describes where an operator files an APD; the early notification process; the Notice of Staking option; the components of a complete APD; how an APD is posted for public notice; how it is processed by the BLM and the FS; how the APD is approved; and the valid period of the APD. This section is the heart of the Order because it addresses the content of the APD; what an operator must do and some options an operator may take prior to filing an APD (in the form of early notification and Notice of Staking options); how the APD is processed and approved; and the period for which the APD is valid. We received more comments on this section than any other.

Summary of Changes: This section has been reorganized to follow the sequential progression of the APD submission and approval process. Information related to specific components of a complete APD was moved to the description of that component to make the process clearer. Many of the comments and changes in

this section related to timeframes associated with posting notices, holding onsite inspections, supplying needed information, and processing of the APD once deemed complete. The above mentioned reorganization and associated clarification should address those concerns and ensure that the Order is consistent with timeframes mandated by the Energy Policy Act of 2005.

In the final rule we added a provision stating the BLM's authority to deny an APD within 30 days after the BLM determines the APD to be complete (see Section III.C.2.b. of the further proposed rule or Section III.E.2.b. in the final rule). This addition restates the present authority to deny a permit in 43 CFR 3162.3–1(h). Denial of an APD is not mentioned in Section 366 (2) of the Energy Policy Act, but it is authorized by the Reform Act which added subsection (g) to 30 U.S.C. 226 which provides that no drilling permit may be issued unless the appropriate Secretary approves the surface disturbing activities. It has been the policy of the agency to deny APDs when analysis or negotiation with the operator will not enable the BLM to approve the permit. We believe that it is in the operator's best interest for the BLM to deny an APD that is so flawed that it cannot be modified to warrant approval as early as possible. We also believe that it is the intent of Congress to keep the agencies and operators working on APDs so that none would be left unresolved for unreasonable lengths of time. If the BLM decides that an APD is so flawed that we would deny it, the operator has the right to know promptly and to have an appeal right. The alternative would be to issue a deferment notice that would require the operator to wait up to 2 years before receiving a denial and an appeal right. That would defeat the purpose of expediency that motivated Congress in enacting Section 366 of the Act.

Associated with the timeframes is the clear recognition that compliance with non-discretionary environmental laws prior to approval of an APD is an integral part of those timeframes. In the final rule we made one discretionary timeframe change so that an approved APD is valid for 2 years rather than the 1 year period in the previous Order. Another change in this section of the Order is to require the operator to certify that they have provided or made a good faith effort to provide a copy of the Surface Use Plan of Operations to the private surface owner in the case of split estate. What constitutes a good faith effort will be determined by the authorized officer. The BLM has assumed the responsibility to ensure the private surface owner is invited to attend the onsite inspection and that their concerns are considered in the approval process.

We also modified this section and the definition of Best Management Practices to make it clear that Best Management Practices are voluntary for the operator to use in the design of their project and are only a requirement if they are a result of the NEPA process as a Condition of Approval for an APD. Finally, we modified Sections III.a. and b. to make it clear that the BLM is responsible for compliance with NEPA, the National Historic Preservation Act, and the Endangered Species Act on BLM lands and the FS has the same responsibility on their lands.

We received a number of comments about reposting when the proposed well location is moved. Existing BLM regulations require that the well location be described in the posting to the nearest quarter-quarter section in the Public Land Survey System. Therefore, if the proposed location is moved to a different quarter-quarter section, the APD will be reposted. For lands that do not have a Public Land Survey, proposed locations that are moved 660 feet or more will be reposted. We established the 660 feet criterion because a well at the center of a quarter-quarter section that is moved 660 feet will by definition be in a different quarter-quarter section.

In Section III.G. we deleted the language that stated that if no well is drilled during the initial period or extension of the APD, the APD expires. We deleted the statement because it is self evident.

In Section III.D.6., we modified the Operator Certification slightly by adding an entry for the operator to insert an email address where the operator can be contacted. This entry is optional, but will provide the BLM and the operator another avenue for communication.

In Section III.D.2.a. we added language to clarify who the operator should contact prior to surveying and staking on tribal or allotted lands. This is not a new requirement and is consistent with existing practice.

Comments and Responses: Several commenters recommended that the subsections within Section III. be rearranged to better follow the sequential progression of the APD submission and approval process. Another commenter asked for further clarification of the Notice of Staking section. We recognize that reorganization would add clarity and have reorganized the subsections in Section III. to follow the order in which they occur. In the final rule we:

(A) Explain where to file the APD (subsection A);

(B) Describe the advantages of Early Notification (subsection B) and Notice of Staking (subsection C);

(C) Provide a detailed discussion of the components of a complete APD (subsection D) and describe the posting and processing of the APD (subsection E); and

(D) Describe some of the responsibilities of the approving agencies and the period for which the APD is valid (subsections F and G).

This reorganization also makes clear the purpose and advantages of the Notice of Staking option.

Many commenters recommend that early notification in Section III.B. be mandatory. One commenter supported the early notification section as drafted. Early Notification, as the Order states, could help all parties identify unusual conditions of the land, time-sensitive issues, and potential areas of conflict. The BLM and the FS recognize the advantages of early notification, but the same level of resource protection will be applied whether there is early notification or not. There is no statutory requirement for early notification and we do not believe that it is necessary in all cases. Therefore, we did not change the Order based on this comment.

One commenter suggested that the wording ''wildlife inventory'' in Section III.B. be changed to ''biological inventory'' to cover flora as well as fauna. We adopted the commenter's suggestion and revised Section III.B., accordingly.

One commenter asked how early notification relates to the Notice of Staking Option. We amended the wording in the Early Notification section based on this comment to make it clear that early notification is different from and precedes the Notice of Staking, that neither option is required, and that one may be used without the other.

One commenter suggested that we revise the Order to make it clear that the operator is not required to conduct surveys or studies under Section III.B. We believe that the Order is clear on the subject of inventories, surveys, and studies; they are the responsibility of the agencies and are not required as part of the APD. However, in the final rule we added language in Section III.B. to clarify that they are not the responsibility of the operator.

A few commenters stated that the BLM must recognize in Section III.B., Early Notification, that in some cases it may be impossible to contact all private surface owners. Consistent with existing

practice, the Order requires the operator to make a good faith effort to contact private surface owners. However, a good faith effort does not mean that there is an absolute requirement to make contact with the surface owner. Section VI. of the Order provides procedures for operations on private surface.

One commenter stated that even if a categorical exclusion is used, the 30-day posting is required. We agree. Posting is an existing requirement under the Reform Act, even for actions covered by a statutory categorical exclusion. We did not revise the proposed Order because we do not discuss categorical exclusions in the Order.

Several commenters stated that they opposed the requirement that an APD be reposted for an additional 30 days when the operator subsequently moves the proposed well location. They further state that this 30-day reposting time period should not be required when the new location is covered by an existing NEPA document or if the new location is for an in-fill well within a developed field. One commenter said that posting for public notice was duplicative of NEPA requirements for soliciting public comments. We disagree. The 30-day public posting period is required by the Reform Act and is distinct from NEPA related public participation. However, we have revised proposed Section III.C.1. (final Section III.E.1.) to provide clarity and conform with regulations at 43 CFR 3162.3–1 and 36 CFR 228.115 that require posting. As previously discussed, we adopted a 660 feet criterion for reposting where no Public Land Survey exists because that would mean the well could be relocated in a different quarter-quarter section if the survey did exist. The 660 feet criterion would apply the same standard for reposting where Public Lands Survey descriptions are not available. We also retained the criterion of ''substantial'' to assure that the authorized officer can notify the public of changes that create essentially ''new'' proposals within the existing APD in the same quarter-quarter section.

Many commenters stated that the Order requires an agency to give at least 30 days public notice before approval of an APD. They suggested that the BLM inform the surface owner and any other Federal lease or permit holders directly. We did not amend the Order as a result of this comment. We are required by the Reform Act to post APDs for public notification. In the final rule we modified Section III. of the Order to require the operator to certify that they have provided to the private surface owner copies of the Surface Use Plan of Operations and any related subsequent changes. We believe that this provides ample notification to the surface owner. We addressed notification of other Federal permittees in the Section II. discussion above.

One commenter said it is unclear whether APD notices must be posted by the BIA and/or the affected Indian tribe, in addition to such notices being posted by the BLM, or whether only the BLM will post APD notices. The final rule requires that other Federal Surface Managing Agencies, including the BIA where Indian lands overlie Federal minerals, post the APD information for Federal leases. Posting is not required for an APD on an Indian oil and gas lease, since there is no requirement in the Indian leasing statutes similar to that in Section 17 of the Mineral Leasing Act.

One commenter stated that the Order needs to be revised to recognize the timeframes specified in the Energy Policy Act of 2005. The further proposed rule published in the **Federal Register** on March 13, 2006, incorporated the specified timeframes in Section III.C.2. (Section III.E.2. in the final Order), APD Posting and Processing, for APD processing as does the final rule.

One commenter stated that the Order should be revised to recognize the need to issue permits within 30 days of the BLM's receipt of a complete APD as the Energy Policy Act of 2005 requires. We recognize the importance of this comment, but also recognize that the Energy Policy Act does not relieve the BLM or the FS from complying with other applicable laws. Section 366 of the Act clearly states that the BLM cannot approve a permit without first complying with other applicable laws.

One commenter stated that the proposed timeframe in Section III. is so short as to be impractical and unrealistic, and encourages sloppy processing. They believe that no matter how much increased funding is channeled to the budgets, neither the BLM nor the FS could be sufficiently staffed to be able to competently handle the turnaround time in Section III. of the Order. Further, they believe there is no justification for expediting permits. The timeframe for processing APDs is mandated by the Energy Policy Act of 2005. As such, the agencies must comply with this timeframe. However, neither the Energy Policy Act nor this Order requires a final decision on an APD prior to compliance with non-discretionary statutes.

One commenter stated that the BLM must establish timelines for ''outside agencies and surveyors'' to act on pain of waiver of their participation. Regulation of other Federal, state, or local agencies or of their contractors is beyond the scope of this Order.

One commenter noted that there is no time limit for completion of a NEPA analysis nor is there a definitive time limit for approval of the APD once NEPA is completed. The commenter is correct; there is no time limit for the completion of the NEPA analysis but there is a requirement to comply with NEPA. The Order states (proposed Order Section III.C.2.c.1. and final rule Section III.E.2.c.1.) that the BLM should make the decision on whether to approve the APD within 10 days of the operator submitting the information or actions identified in the deferral notice (required by Section 366 (2)(B) of the Energy Policy Act), unless other legal requirements such as NEPA have not yet been met. When these requirements are met, the BLM will make the final decision on the APD. These requirements are consistent with Section 366 of the Act. The Energy Policy Act requires that the BLM comply with NEPA and other applicable laws, it does not set a time limit for compliance. The BLM and the FS understand the urgency for approving APDs, but cannot establish a regulatory time limit for complying with applicable law.

A few commenters noted that the operator is given 45 days after receiving notice from the BLM to provide any additional information requested before the APD is returned to the operator. The commenter stated that the data the BLM requests could take longer than 45 days to accumulate (*e.g.*, an endangered species survey); therefore, a rigid 45-day deadline may not be possible to meet. The commenter seems to misunderstand what is included in a ''Complete APD'' determination. The definition of a complete APD is very specific and does not include things such as endangered species surveys and therefore any information that the BLM requires to make a complete APD determination should be easily provided within 45 days; however, the authorized officer has the discretion to extend the 45-day limit especially if the operator so requests.

One commenter stated that the operator has 2 years and 45 days after receiving notice of a request for additional information from the BLM to provide the additional information or the BLM may return the APD to the operator. Under the proposed rule Section III.C.2.a. (final Section III.E.2.a.), the operator has 45 days (non-statutory) from the BLM's request at the onsite inspection to provide missing information that will make the APD

complete. The BLM has 30 days (Section 366 (2) of the Act) from the date that the APD is complete to approve the APD or to notify the operator that the decision must be deferred pending compliance with NEPA and other laws. The notice must also tell the operator what specific steps, if any, that the operator could take for the permit to be issued (Section 366 (2)(B) of the Act). Consistent with the Act, the operator has 2 years (Section 366 (3)(A) of the Act) to complete the steps specified in the notice. Without a complete APD the 30-day timeframe and, therefore, the 2-year timeframe do not begin. If the operator has not taken the specific steps within 2 years, the BLM must deny the APD (Section 366 (3)(C) of the Act).

One commenter stated that the phrase ''Within 7 days of the onsite inspection, BLM, and the FS if appropriate, will notify the operator that the APD is complete or that additional information is required to make the APD complete'' in Section III.C.2.b. of the proposed Order, should be deleted because it is inconsistent with paragraph (a) of the Order. We agree and in the final Order we moved Section III.C.2. to III.E.2. and revised the statement to state that ''deficiencies will be identified at the onsite'' and deleted the wording cited above. In the final Order we retained the 7-day timeframe for Notices of Staking because agencies typically would not have had a detailed proposal to review prior to an onsite inspection associated with a Notice of Staking (final Section III.C.).

Many commenters stated it is clear that no final decisions will be made until the regulatory requirements of the Endangered Species Act, National Historic Preservation Act, and NEPA have been satisfied. The commenters said that the Order should not violate the opinion of the two 1988 solicitor's memos. The commenter said that the memos required the BLM to consider and adopt landowner suggestions and concerns to the extent they do not violate the statutory requirements of the cited acts. We believe that the intent of the 1988 solicitor's memorandum was to emphasize that these statutes apply to private surface overlying Federal minerals and nothing in the memos preclude consideration of surface owner concerns and suggestions that do not conflict with Federal statutes or implementing regulations. We emphasize that we invite the surface owner to the onsite inspection (Section VI.) to facilitate surface owner input and to ensure consideration of their suggestions and concerns. As discussed earlier, we have added a requirement that the operators certify that they have provided a copy of the Surface Use Plan of Operations to the private surface owner so that the surface owner has the clearest possible understanding of the proposed action. The BLM will explain the statutory requirements of NEPA, National Historic Preservation Act, and Endangered Species Act to the surface owners and will discuss any concerns that the surface owner may have about compliance with these statutes. We believe that any substantive request of the surface owner can be accommodated within these statutory requirements.

One commenter referred to Section III.C.2.c., which states that no final decision is made pending regulatory compliance with Federal statutes and suggested that this provision should be revised to recognize the actions that have been categorically excluded from NEPA analysis pursuant to the Energy Policy Act of 2005. We did not modify the Order as a result of this comment. It is not the intent of this Order to make determinations on whether or not NEPA applies in a given situation.

One commenter requested that we revise Section III.C.2.c. to state that the BLM and the FS must be sure that the NEPA and Endangered Species Act analysis are current prior to approving the APD, especially in cases where there is a lengthy delay in APD approval. We did not modify the Order as a result of this comment. Nothing in this Order relieves the BLM or the FS from compliance with these statutes. Nor is it our intent to provide in this Order detailed procedures for compliance with other laws and regulations.

One commenter recommended that APDs should be effective within 60 days if no action is taken by the BLM within that time. We emphasize that the Energy Policy Act of 2005 establishes timeframes for APD approvals, but it also requires that all applicable environmental laws be complied with prior to APD approval (Section 366 (2)(A) and (3)(A) and (B)).

A few commenters referred to Section III.C.2.d. dealing with the FS Appeal procedures applicable to APDs on NFS lands and stated that they oppose having the FS appeal procedures apply to oil and gas operations on NFS lands. The commenter suggested that the FS conform its administrative appeals process to the BLM timeframes. We did not modify the Order as a result of this comment because the FS appeal timeframes contained in 36 CFR part 215 are consistent with timeframes in the Appeals Reform Act (P.L. 102–381) and therefore we did not make the suggested change.

Several commenters suggested that the BLM should continue reviewing the drilling plan while FS reviews the Surface Use Plan of Operations. One commenter stated that evaluation of the application should continue while waiting for the onsite inspection to be held. We agree. Our existing processes and those in the final Order are consistent with what the commenter suggests. Furthermore, the Order states that the application will be processed up to the point that missing information or actions makes it impractical (proposed Section III.C.2.a.). This statement will be moved to the lead paragraph for final Section III.E.2. so that it pertains to all of this section.

Several commenters noted that an APD approval is valid for 1 year from the date of approval and commented that this does not provide adequate flexibility for operators, particularly given the high demand for, and limited availability of, drill rigs. They suggested that the valid period should be expanded to at least 2 years to allow operator's more operating flexibility (i.e., drill rig availability). Another commenter stated that the shortest timeframe of either 1 year or lease expiration is too long a period for an APD to remain valid and requested that an extension not be automatically granted. We considered these comments and in the final Order will allow an APD to be valid for 2 years with an option to extend for an additional 2 years. This takes into account the narrow drilling windows created by seasonal conditions, wildlife habitat needs, and the availability of drilling rigs. We considered the adequacy of the information and analysis from the perspective of timeliness in this decision. We believe that NEPA documentation and cultural and wildlife surveys will be adequate for at least the 2 year term and potential 2 year extension. Our decision is consistent with the Energy Policy Act of 2005 in that the categorical exclusions in Section 390 are based on NEPA documents that are up to 5 years in age, which is longer than the initial APD term and extension in the final Order.

One commenter asked how we can require diligent drilling, continue the APD, and potentially extend a lease. The commenter also asked that we add a deadline for reclamation, especially on private surface. We did not modify the final Order as a result of these comments. We are not certain what the commenter meant by diligent drilling. If the commenter is asking how we will require the operator to commence drilling soon after the APD is approved, we do not believe this to be an issue of

concern. In fact, we are concerned that seasonal restrictions and drill rig availability may cause delays and we have extended the valid period for the APD to accommodate this potential problem. If the comment concerned environmental obligations (43 CFR 3162.5–1(b)), we believe that involving the surface owner in the onsite inspection, the environmental review process done before approving the APD, and the periodic inspection conducted by the BLM personnel are adequate to assure surface protection, compliance with lease terms and reclamation. Lease extension is beyond the scope of this Order and is covered in other regulations (43 CFR subpart 3107). Reclamation properly begins as soon as the drilling operation ends. We typically require interim reclamation of that portion of the site that is no longer needed once a producing well is established. We believe that interim reclamation can best be handled by attaching Conditions of Approval and by compliance with lease terms rather than by regulation.

One commenter recommended that the BLM develop a standard checklist of required information for processing an APD. This checklist should include NEPA, National Historic Preservation Act, and Endangered Species Act requirements applicable to the APD that have been, or still need to be, completed. The commenter said that this form would aid operators in ensuring that they submit to the BLM a complete APD and aid the BLM in efficiently ascertaining items that may be missing from the APD submission. We did not modify the rule as a result of this comment. Section III.D. of the final Order lists all of the components of a complete APD. The Order clearly states that the operator may voluntarily provide cultural and wildlife survey data, but the responsibility to comply with NEPA, Endangered Species Act, National Historic Preservation Act, and other applicable laws, is the responsibility of the agencies and not a requirement of the applicant and, therefore, is not listed as being part of a complete APD.

Many commenters stated that Best Management Practices should be strictly voluntary and not constitute a new set of stipulations or Conditions of Approval for every future Federal lease or APD. These commenters believe that while Best Management Practices may be innovative and dynamic, they must be considered for their economic viability and be applied to site specific projects only when necessary to mitigate adverse environmental, cultural, or social impacts. Other commenters stated that Best Management Practices should be mandatory to ensure protection from resource abuse. One commenter asked that operators be required to explain what Best Management Practices they intend to use in their Surface Use Plan of Operations. While the BLM encourages the use of Best Management Practices, they are voluntary unless after specific analysis during the APD processing, the BLM includes them as Conditions of Approval to mitigate impacts. In the cases where Best Management Practices are included as Conditions of Approval, costs of the Best Management Practices will be considered in the environmental review, but may not determine the final decision if the BLM finds that the Conditions of Approval are necessary to mitigate environmental, cultural, or social impacts. If an operator proposes using Best Management Practices, they should be included in the Surface Use Plan of Operations. We added a definition of ''Best Management Practices'' and we modified the definition of ''Conditions of Approval'' for clarity.

One commenter recommended deleting the paragraph about Best Management Practices that leads the discussion of components of a complete APD package because they should not be required. We agree that Best Management Practices are not a required component of a complete APD and we revised the final rule to make it clear that Best Management Practices are not mandatory unless they have been analyzed as a mitigation measure in the environmental review, but that we encourage their use.

One commenter asked why the BLM should be notified prior to entering private lands for surveying, staking, and inventories. The final rule does not require, but only encourages, operators to notify the BLM or the FS prior to entering private lands. In general, early BLM notification is encouraged regardless of surface ownership so that applicants are aware of lease specific issues (such as the presence of endangered species) before an operator commits to a particular course of action or completes an inventory that does not address all relevant issues.

A few commenters recommend that we revise the sentence that states, ''No entry on private lands for surveying, staking, and inventories should occur without the operator first making an effort to notify the surface owner.'' Commenters said that requiring approval from a surface owner prior to entry could impair rights under their mineral lease. The BLM and the FS believe that it is important to involve the surface owner in the process as soon as possible. However, the final rule makes it clear that the Order only requires an operator to attempt to obtain approval from the surface owner, but after such effort, surveying and staking may proceed.

Many commenters noted that the level of effort required of the operators to notify the surface owners prior to staking is not clearly defined. We agree. We cannot add a requirement to contact the surface owner because in some circumstances such contact may not be possible. Such a requirement could negate lease rights. In the final rule we added language requiring the operator to certify that they have made a good faith effort to provide a copy of the Surface Use Plan of Operations to the surface owner but that plan may not have been prepared at the staking stage. One commenter disagreed with our statement that staking on private lands is casual use. We agree with this comment. The statement that staking is a casual use refers only to staking on public lands for which casual use is a defined term. Therefore, casual use does not apply to private surface. We understand that this is a sensitive issue, but the BLM cannot make an absolute requirement that the operator obtain surface owner consent prior to entering private land, because the Stockraising Homestead Act offers the option of bonding to the lessee. However, we do require that the operator make a good faith effort to contact the surface owner and enter into a Surface Access Agreement at the earliest possible time.

One commenter noted that not all access permits for Indian lands are granted by the area offices of the BIA, now known as regional offices. We agree and have replaced ''Area Offices'' with ''appropriate office.'' Further discussion of access to Indian lands is in Section VII. of the Order.

Many commenters asked that we delete the following language in paragraph (d) of Section III.E.2.: ''The operator must include the minimum design criteria, including casing loading assumptions and corresponding safety factors for burst, collapse, and tensions (body yield, and joint strength).'' These commenters recommend that this provision be deleted because it is too detailed and no rationale for requiring such additional specificity in the APD has been given. We did not delete the language in the final rule because we believe that the information is necessary to ensure compliance with minimum standards defined in Onshore Orders Number 2, Drilling Operations (53 FR 46790) and Number 6, Hydrogen Sulfide Operations (55 FR 48958) and to meet

other regulatory requirements in 43 CFR 3161.2.

One commenter asked that all aspects of a Drilling Plan be made available to the surface owners at or before submission of the APD. The commenter believes that the surface owners are entitled to review the plan in order to assess the necessity and extent of the disturbance proposed. We believe that the Surface Use Plan of Operations is more useful to the surface owner and that the Drilling Plan would provide no useful information to the surface owner because it primarily contains technical information about the drilling of a well and down-hole issues. Although we did not amend the Order to require operators to provide drilling plans to surface owners, we amended the Order to require operators to certify that they have attempted to provide a copy of the Surface Use Plan of Operations to the surface owner. In addition, the complete APD is available for public review at the approving BLM office, with the exception of proprietary information under the provisions of the Freedom of Information Act—43 CFR part 2.

A few commenters stated that the proposed rule is unclear as to whether roads associated with an APD that cross Indian surface must meet the standards of the pertinent tribe or the standards of the BIA, or in the case of tribal Indian surface, both. If the roads are on the lease, the BLM will consult with the other Surface Managing Agencies (BIA) to obtain the appropriate road standards and route. After this consultation, in order to comply with the standards that the BIA provided to the BLM, the BLM may add Conditions of Approval. For off-lease roads the operator must contact the appropriate Surface Managing Agency or tribe.

A commenter suggested we add ''map or'' after ''include'' to the phrase, ''the operator must include a plat diagram and geospatial database of facilities planned either on or off the well pad that shows, to the extent known or anticipated, the location of all production facilities and lines likely to be installed if the well is successfully completed for production.'' We agree with the commenter and we added the phrase because a map may in some cases provide sufficient detail rather than requiring a detailed survey in all cases.

One commenter stated that the information called for in Section III.E.3.d. (Location of Existing and Proposed Production Facilities) is usually provided before construction. We agree with the commenter. That section refers to existing production facilities within the general area of the proposed well and, therefore, no change is necessary.

One commenter says that they may not know where they will obtain water if they intend to buy it at the time they submit their APD. We did not modify the Order as a result of this comment. The BLM and the FS need the information to ascertain the impacts associated with operations and the need for any mitigation applicable to public lands. Under this provision, we don't require specific contract information, just the location of the water supply and transportation method proposed so that we can complete the NEPA analysis. If the water source is unknown at the time the APD is filed, the information can be submitted as a Sundry Notice once it is identified.

One commenter suggested that we add language to the Order to direct operators to obtain appropriate state agency water permits to avoid misunderstanding regarding jurisdiction in permitting water source wells. We did not modify the Order as a result of this comment since the Order is not intended to enforce regulations or requirements of other governing agencies and those rules stand on their own authority.

One commenter suggested deleting the last sentence of the Section III.E.3.f. on construction materials described in the Surface Use Plan of Operations. The provision requires that the operator contact the Surface Managing Agency or owner of construction materials before those materials are used. We believe that the operator should make arrangements with the owner prior to use; however, it is not necessary for the Order to regulate private agreements. Therefore, we removed the final sentence of that section.

Many commenters noted that an operator may amend his plan for surface reclamation at the time of abandonment, yet no notice must be given to a surface owner then or at any stage of the reclamation process. These commenters ask that the operator be required to notify and at least attempt discussing reclamation needs with the surface owners. We agree with the commenters. Changes to reclamation plans are not unusual because final reclamation may not occur for several years after the original plan was approved, especially if the well is productive or because reclamation standards or techniques change. We added language to the reclamation part of the abandonment section to require the operator to notify the surface owner and consider their views when an operator submits a reclamation plan for wells not having an approved plan. The surface owner will have an opportunity to express their views regarding all issues including reclamation before APDs for new wells are approved.

Several commenters recommended that the APD should only require a basic reclamation plan that meets current standards and then require a more detailed, site appropriate final reclamation plan when the notice of intent to abandon is filed. We disagree. The reclamation plan must be sufficiently detailed at the APD stage to facilitate analysis and identification of needed Conditions of Approval to ensure adequate reclamation. If changes are proposed prior to abandonment, they may be submitted with a Sundry Notice.

A few commenters suggested that ''when obtainable'' or ''to the best of his ability'' (regarding surface owner contact information) be added to the first sentence in proposed Section III.E.3.k. and in the last paragraph of proposed Section III.F. to recognize that some surface owners are difficult to locate. We believe the phrase ''if known'' already in that sentence addresses this concern and additional wording would be redundant (see Section III.D.4.k. in the final rule).

Some commenters supported the use of Master Development Plans and a few recommended that the BLM encourage their use. The commenters note that Master Development Plans are an effective method to address the impacts associated with Surface Use Plans of Operation in a comprehensive manner, especially the development of access roads and pipeline systems for wells that are to be developed under a common drilling plan. However, they note, because of the unique environmental impacts that each well site may pose, specific environmental assessments are imperative for each well pad location. We agree with the comment concerning the advantages gained by using Master Development Plans. Subsequent APDs will be reviewed in light of the Master Development Plan when such a Plan is in place. Any new environmental concerns that are identified will be addressed before any subsequent APD is approved. This is existing practice and no change in the Order is necessary.

One commenter suggested that the BLM should clarify whether all APDs submitted as part of the Master Development Plan will be approved at the same time. The commenter said that if all the APDs associated with the Plan were approved at one time, there may be a problem with validity (we assume this means difficulty in timely drilling because of the 1-year term). Under this

section the BLM will analyze all APDs proposed with the Plan and subsequent APDs that are anticipated in the Plan and make a decision on whether to approve the Master Development Plan. Subsequent phased implementation of that decision will involve approval of individual APDs. The operator should work with the BLM and the FS to assure that APDs are phased according to the operator's schedule. We believe that this can be achieved without changing the text of the Order. However, we have for other reasons extended the term of the APD to 2 years (see the discussion of Section III.D. above).

One commenter wanted master APDs to be included in a Master Development Plan. We agree and view a master APD to be the part of the proposed Master Development Plan that addresses proposed and anticipated future wells. Master APDs contain common details of multiple wells. The master APD can be approved by the BLM and then in subsequent APDs the operator references the master APD and makes any appropriate changes such that the material referenced in the master APD or Master Development Plan and the changes or new material constitute a complete APD. Our environmental review, including NEPA analysis, would then focus on the new or changed information and rely on the existing analysis of the referenced material in the master APD or Master Development Plan. We did not amend the Order as a result of this comment because we believe that the existing provisions allow for master APDs.

Several commenters expressed concerns about having to provide both state and Federal bonds in varying amounts. We understand the commenter's concerns, but operators are required by statute (30 U.S.C 226(g)) and our regulations to have a Federal bond (see 43 CFR subpart 3104). The Order cannot regulate bonds that may be required by states. The BLM requirements and procedures may be different than those of any given state. For example, states may have different criteria for releasing bonds than our criteria or they may release bonds without informing us and that could lead to insufficient bond coverage. State bonds cannot replace Federal bonds, but the BLM may, under certain circumstances, consider state bonds in setting Federal bond amounts. However, we did not modify the rule as a result of these comments.

A few commenters pointed out that several references in the bonding section were incorrect and related to coal leases rather than oil and gas. The commenters are correct. We did not intend to limit the regulatory requirements to only those in 25 CFR part 200 and those specific references have been deleted. The FS is required to consider the cost of reclamation and, if deemed necessary, require additional bonding. The operator has the option to either increase the bond held by the BLM or file a separate bond with the FS (36 CFR 228.109).

Many commenters expressed concern that the bond amounts are inadequate and do not address the concerns of the surface owners or consider other surface uses. They asked why the BLM and the FS do not have the ability to increase bond amounts. One commenter referenced the sentence in Section III.E.5. that states ''In determining the bond amount, the BLM may consider impacts of activities on both Federal and non-Federal lands required to develop the lease that impact lands, waters, and other resources off the lease'' and they requested that the BLM clarify what they may or may not consider in determining the bond amount under this rule. Lease bonds under 43 CFR 3104.1 ensure performance of the operator in the drilling, production, and reclamation of the well and compliance with lease terms and the approved APD. If lease operations adversely affect off lease lands or surface waters, these impacts may be covered by the bond. The preamble for the proposed rule (see 70 FR 43354) discussed the authority for considering the costs of restoration of any lands or surface waters that are adversely affected by lease operations in setting the bond amount, citing 30 U.S.C. 226(g). The Order does not, as the commenter requested, provide a comprehensive list of what may or may not be considered in setting the bond amount. However, existing regulations at 43 CFR 3104.5 as well as Section III.E.5.a. of the final Order provide criteria for that purpose.

Section III.E.5.a. of this Order and 43 CFR 3104.5 state the criteria for setting bond amounts. The regulation and our policy to require less than the full bond amounts have shown to be greatly effective in managing risk without excessive costs. We have not modified the Order as a result of these comments. Surface owner compensation is not provided by lease bonds under 43 CFR subpart 3104 or this section of the Order. Bonds for the benefit of the surface owner are addressed in Section VI. of this Order and are addressed later in the discussion of that section of this preamble.

One commenter asked why the bond number was included in the self certification when it is required on Form 3160–3. We agree with the commenter and since it is duplicative we eliminated it from being a requirement in the self certification clause in the final rule.

One commenter stated that the requirement to stake the outer limits of the pad, pit, etc., should not be required for the Notice of Staking option. We agree. Complete staking is not required for the Notice of Staking option, but is required for final staking when the APD is filed (see Section III.F. of the proposed rule (Section III.C. of the final Order)).

Many commenters noted that before filing an APD, the operator ''may file a Notice of Staking with BLM'' who will then inform the surface owner. Commenters asked why notice to those directly affected by operations is only voluntary, implying that the notice to surface owners should be mandatory. We did not modify the final rule as a result of this comment. It should be noted that the Notice of Staking is a voluntary process. The BLM will notify the surface owner if possible and invite them to the onsite inspection.

One commenter expressed concern that surveying and related requirements are scattered between the APD and Notice of Staking sections of the Order and are confusing. In the final rule we rearranged Section III. of the Order so that the provisions are in a more logical sequence and to make the process clearer.

One commenter suggested that the bottom-hole location should not be a requirement of the Notice of Staking option. We disagree. The bottom hole location is key in identifying the lease involved and the associated permitting requirements. The sooner this is known, the less likely there will be delays. Because of this importance, Attachment I, Sample Format for Notice of Staking, has been edited to eliminate the ''if known'' wording associated with the bottom hole location component.

One commenter stated that it is inconsistent to have the BLM as the lead agency for NEPA compliance and the BIA the lead for Right-of-Way approval. We disagree. Sections III.G.a. and III.G.c. refer to different, discrete actions, APD approval and Right-of-Way approval, respectively, and therefore may require separate NEPA analysis.

A few commenters stated that the proposed Order is inconsistent with 25 CFR 211.7 and 225.4, which gives the BIA environmental review authority. The commenters also note that our statement that the BIA has responsibility for approving Rights-of-Way on Indian lands is partially incorrect. The commenters stated that

Rights-of-Way on Indian lands are granted by the Secretary of the Interior, but only with the consent of the Indian landowner (see U.S.C. 323–328 and 25 CFR 169.3(a) and (b)). The BIA is responsible for NEPA analysis for actions that it approves, similarly, the BLM is responsible for NEPA analysis for actions that it approves. The BLM approves all lease operations that occur on the lease or under Indian Minerals Development Act of 1982 (IMDA), 25 U.S.C. 2101–2108. This includes drilling, access to drilling, flowlines to or from the wells, construction of on-lease facilities for oil and gas development, and other well operations. The BIA's role for on-lease activities is to consult with the BLM on those actions if the minerals or the surface are Indian trust.

Section IV. General Operating Requirements

Purpose: This section summarizes general requirements of the operator such as conducting operations to minimize impacts to surface and subsurface resources. It also summarizes responsibilities for protecting cultural and biological resources and briefly describes safety issues. It requires the operator to submit a Completion Report after it completes a well. This section identifies some key operating requirements without details that might limit or unnecessarily constrain operations based on site specific proposals.

Summary of Changes: No substantive changes have been made to this section. However, we changed ''Watershed Protection'' to ''Surface Protection'' because the term ''watershed'' has legal implications that are not intended and are beyond the scope of this Order. We also amended the Endangered Species Act language in this section to more accurately reflect the statutory language and existing policy.

Comments and Responses: One commenter stated that under the heading of ''Operator Responsibilities,'' the proposed rule states that an ''operator must conduct operations to minimize adverse effects to surface and subsurface resources and prevent unnecessary surface disturbance.'' The commenter suggested that to avoid vague and ambiguous language, the phrase ''unnecessary surface disturbance'' should be precisely and narrowly defined or explained. We disagree that narrowly defining ''unnecessary surface disturbance'' would be useful. We purposefully use broad language in the Order to cover the many different circumstances and conditions that may occur during drilling. Also, we carefully review surface use plans and limit surface disturbance to that which we think is necessary for the proposed operation. We limit the size of drill pads and require interim reclamation of the area no longer needed after drilling is complete.

One commenter stated that when third party contractors are used, the operator needs to have assurances that the work will be accepted by the BLM if established standards or procedures have been followed. We disagree. Products and services supplied by third party contractors will be reviewed on their own merits and, as with any operations on public lands, the BLM approval will not occur until we are sure that operations or reclamation is consistent with the APD, Orders, and regulations. Operators and third party contractors should contact the local BLM office if they are not clear what is expected of them.

A few commenters suggested that the sentence referring to 43 CFR 3163.1(b)(2) be corrected. They believe that sentence is partially incorrect as the regulatory language specifies ''For drilling without approval or for causing surface disturbance on Federal or Indian surface preliminary to drilling without approval, $500 per day for each day that the violation existed, including days the violation existed prior to discovery, not to exceed $5,000.'' We believe that it is not necessary to include in the final Order all of the regulatory language in 43 CFR 3163.1(b)(2) since that provision is already a regulatory requirement. However, we removed from the final rule the text regarding the immediate daily assessment because it is not in 43 CFR 3163.1.

One commenter stated that cultural resource, endangered species, and watershed protection requirements are better addressed in Conditions of Approval, rather than imposing a broad requirement in this Order. In addition, the commenter stated that the proposed rule does not recognize the authority of the State Historic Preservation Officer with respect to cultural resources. With regard to the State Historic Preservation Office, we believe that failure to establish national procedures could potentially cause substantial delays and wide variation in procedures. Therefore, we believe it is advantageous to define a uniform process in this Order rather than to allow each BLM and FS office to develop unique procedures. With regard to the requirements in Section IV., we believe that the requirements in this section are broad and apply to every APD. Only specific requirements that apply to the actual conditions at the site are appropriate for Conditions of Approval.

A few commenters stated that the proposed language that requires recording of historical or archeological sites that the operator avoids is not appropriate. One commenter suggested changing ''recording'' to ''reporting.'' We disagree. The operator is responsible for recording the site (Section 106 of the National Historic Preservation Act). Recordation means those routine procedures adopted by the BLM or the FS, as appropriate, and the State Historic Preservation Officer to record any cultural site inventoried or discovered during earthwork and are part of compliance with the requirements of 36 CFR part 800 regulations governing Section 106 compliance and many State Historic Preservation Officer protocols. Recordation is a routine part of any cultural survey provided by third party cultural contractors and does not refer to extensive data recovery or other site mitigation techniques that are necessary if the site is not avoided. Recordation is the least complicated method of reporting a site that is required under Section 106 regulations and most protocols.

One commenter stated that Section IV.a. of the Order (describing what an operator must do if cultural resources are uncovered during construction and the operator chooses to avoid further impacts to the site) does not provide adequate protection of cultural resources. They asked that the rule be amended to state that when an operator encounters cultural or historic resources during the conduct of operations, they would be immediately shut down and required to relocate, rather than to produce a report that potentially minimizes the impacts and allows the operator to proceed. We disagree. We believe that the process in the Order, which is consistent with existing practice, will provide and has provided adequate protection to cultural resources. A report intentionally falsified would likely result in revocation of permits and possible penalties, including revocation of authorizations to conduct cultural surveys.

One commenter requested clarity as to who is defined as the Surface Managing Agency in various scenarios relative to Indian lands. The final Order makes it clear that for tribal or allotted lands held in trust, the BIA is the Surface Managing Agency. The final Order also recognizes that surface owners have rights and responsibilities with respect to trust lands.

One commenter requested that the Order address the protection of vertebrate fossil materials. We did not modify the Order as a result of this comment. It is existing policy that will continue under this Order to address the protection of fossils through Conditions of Approval.

One commenter asked for an explanation of procedures for tribal involvement should cultural resources be encountered on lands covered by the APD. We did not modify the final rule as a result of this comment. Cultural resource compliance under the National Historical Preservation Act is covered by the implementing regulations for Section 106 of the National Historic Preservation Act along with various local agreements with State (and Tribal) Historical Preservation Officers. Since those procedures are defined elsewhere and are subject to protocols and agreements that differ depending on locale, we did not address them in this Order.

One commenter stated that in order to protect watersheds, an operator ''must take measures to minimize or prevent erosion and sediment production.'' The commenter said that the agency should be much more specific and careful in protecting water values. Section IV.c. of the Order and 36 CFR 228.108(j) address watershed protection. In addition, it is existing policy that will continue under the Order to require site specific mitigation for each approved APD. Effective protective measures can be developed only after an actual proposed action is evaluated and this must be done on a case-by-case basis. Therefore, we did not modify the Order to address this comment. Many commenters wanted more specific protection of municipal watersheds and water resources. Protection of municipal watersheds and water resources is outside the scope of this Order. Measures to protect resources such as water are included in oil and gas leases, are addressed in Resource Management Plans, and are developed by site specific NEPA analysis, as appropriate.

One commenter requested that we remove the word, ''may'' from the sentence, ''Such measures may include, but are not limited to: Avoiding steep slopes and excessive land clearing * * *'' in the watershed protection provisions of the Order. The commenter believes that these measures should be mandatory, not discretionary. A few commenters suggested that this requirement should be reworded to say, ''Construction with frozen material is prohibited and surface disturbance may be suspended during periods when the soil material is saturated or when watershed damage is likely to occur (from Wyoming BLM Surface Disturbance Mitigation Guidelines).'' We did not accept these comments because the list is intended to illustrate conditions to be avoided and is not intended to be comprehensive. Detailed mitigation measures are best developed on a case-by-case basis or in guidance documents such as the one the commenters quoted.

A few commenters asked whether an operator is required to notify the affected tribe, the BIA, or both for operations on split estate lands containing Indian surface and Federal oil and gas when there are ''emergency situations.'' We replaced ''surface management entity'' with ''Surface Managing Agency'' and revised the definition. As a result, it is now clear that in the emergency situation the commenter described, an operator should notify the BLM and Surface Managing Agency (BIA in this case).

Section V. Rights-of-Way and Special Use Authorization

Purpose: This section describes the requirements for obtaining a Right-of-Way (BLM) or Special Use Authorization (FS) for activities that are attendant to but not part of the APD.

Summary of Changes: No substantive changes were made to this section and comments focused on the desire or need to have both the Rights-of-Way and APD approved at the same time to avoid operating delays.

Comments and Responses: A few commenters suggested that the BLM should combine Right-of-Way filing and approval with the APD process because it would allow approval of the access road Right-of-Way at the same time as the APD approval. They also suggested that the BLM standardize the Right-of-Way process for all BLM offices. One commenter suggested that we not approve an APD until any associated Right-of-Way or other authorizations were also approved. We did not amend the Order as a result of these comments. There is no need to address these issues in regulation. Given the limited time of an APD, no operator would want to start the term running before it has access to the well site. While it is the intent of this Order and BLM policy to ensure uniformity in approval processes, local conventions sometimes evolve to accommodate local needs.

A few commenters said it was not clear whether to file a Right-of-Way application with the BIA for allotted Indian lands and to the tribe for tribal Indian lands for split estate easements, or whether the operator should file in accordance with the rules in 25 CFR part 169. The operator should comply with BIA regulations which define the appropriate tribal/Indian owner role in approving Rights-of-Way where Indian land is involved.

Section VI. Operating on Lands With Private/State Surface and Federal or Indian Oil and Gas

Purpose: This section discusses the requirements and procedures for operating on split estate lands. It describes:

(A) The requirement of the operator to contact the surface owner before entry, including entry to stake the location;

(B) Surface Access Agreements that are made with the surface owner for access to the private surface; and

(C) Compensation for damage to the surface estate that are provided by law and the bond for the benefit of the surface owner if a good faith effort to reach agreement fails.

The BLM will also make a good faith effort to contact the surface owner to assure that they understand their rights and to invite them to any onsite inspection that may be conducted.

Summary of Changes: We made several changes to this section that are as a result of public comment. Those changes include: (A) Adding a requirement of the operator to provide a copy of the Surface Use Plan of Operations, the Conditions of Approval, and any emergency notices to the surface owner; and (B) Removing from the rule the universal use of the Stockraising Homestead Act standard to define the damages covered.

We also clarified the section regarding access to Federal minerals underlying Indian surface. The new language makes clear that the operator must make a good faith effort to obtain a surface access agreement with a majority of the Indian surface owners who can be located with the assistance and concurrence of the BIA or with the tribe in the case of tribally owned surface. This is consistent with existing practice and 25 CFR 169.3.

Comments and Responses: One commenter complains that the Order would give new rights to surface owners. We disagree. The Order only formalizes the existing practice of making a good faith effort to notify the surface owners. The surface owners' participation and input is welcome, but the Order gives them no veto over development of Federal oil and gas.

Several commenters were uncertain whether or not privately owned surface includes tribal surface estates owned in fee simple. When tribal lands are held in trust or are subject to Federal restrictions against alienation the BIA is

the Surface Managing Agency, but if lands are held in unrestricted fee, those lands are treated the same as private surface.

Many commenters expressed concerns that the Order changed current procedures for operations on private surface with Federal oil and gas. We disagree. The Order does not change the existing legal relationship between the surface and mineral estates or the relationship between the surface owner and the operator, but clarifies the relationship between operators and surface owners.

Many commenters wanted the Order to support state laws that address split estate operations. Existing policy and this final rule are based on a strict interpretation of existing law. The authority of states with respect to reserved Federal minerals is established in statutes dating back to the early twentieth century and is not altered by this Order. Therefore, we did not amend the final rule as a result of this comment.

Some commenters wanted the policy stated in BLM's Instruction Memorandum 2003–131, Permitting Oil and Gas on Split Estate Lands and Guidance for Onshore Oil and Gas Order No. 1 (IM 2003–131), to be included in the final rule. Section VI. of the proposed and final rule is based on IM 2003–131. However, we addressed an inaccuracy in the existing 1983 version of the Order and IM 2003–131. The existing Order and the Instruction Memorandum extends the Stockraising Homestead Act (43 U.S.C. 299) limitation on compensation to all split estate. The Stockraising Homestead Act (and our regulations at 43 CFR 3814.1(c)) clearly limit compensation to grazing and associated tangible improvements. Other laws that created split estates may not have this same limitation. The final rule states that compensation is based on the law that reserved the mineral estate.

One commenter said that the Order and the BLM are biased toward surface owners in violation of law. The final rule incorporates the split estate policy that has been in effect since 2003 which is based on a strict interpretation of existing law. It adds nothing new with the exception that it bases compensation on the patenting act rather than extending the terms of the Stockraising Homestead Act to all split estate. As explained elsewhere, surface owners have only the substantive rights provided by statute, especially the laws under which the surface was patented. A procedural requirement of a good faith attempt to notify the surface owner and attempt to reach an agreement does not change the dominant character of the federally owned oil and gas or the rights of Federal lessees. The Order reflects no bias; it includes the lessee's right to post a bond if a good faith attempt to reach a Surface Access Agreement with the surface owner fails. This Order does not require compensation to surface owners beyond that which is required by the patenting act.

Several commenters objected to the surface owner compensation limitations in the Stockraising Homestead Act and wanted us to eliminate them. The BLM cannot modify a statute through rulemaking.

Several commenters want a clear definition of ''good faith'' as that term pertains to negotiations with a surface owner and a definition of what an operator must do to contact and negotiate with a surface owner. We did not modify the Order as a result of these comments. We believe that a good faith effort can be demonstrated in too many ways to be codified. For example, a single phone call does not demonstrate a good faith effort while in similar circumstances an extensive log of unanswered phone calls or evidence of numerous returned unopened properly addressed letters would. Therefore, the final Order does not contain such a definition. In response to the second comment, we believe that once contact has been made, negotiations are private and methods of negotiation are not easily codified. Some commenters oppose disclosing the terms of the Surface Access Agreements since the agreements are private contracts. Therefore, we have chosen to not address contract negotiations or terms of agreements in the Order. We have, however, eliminated the requirement that the operator provide the BLM with those terms of the Surface Access Agreement that could impact surface operations. We believe that the Surface Use Plan of Operations will contain sufficient detail to make this requirement redundant.

Several commenters want the BLM to devise reasonable bonding requirements and provide guidelines for setting surface values rather than rely on the Stockraising Homestead Act. Bonds are used in lieu of a Surface Access Agreement to assure surface owner compensation for damages as prescribed by the appropriate law. Bonds can only be used when the operator certifies that a Surface Access Agreement could not be reached and the BLM confirms that fact with the surface owner, if possible. Bonds are not required when a Surface Access Agreement has been made. A commenter expressed concern that an operator may take the easy way out and merely post a bond rather than to negotiate an agreement with the surface owner. The final rule states that bonds are in lieu of a Surface Access Agreement only when the operator certifies that a Surface Access Agreement could not be reached and the BLM confirms this fact with the surface owner, if possible. The bond amount will be reviewed by the BLM to assure that it is sufficient based on the appropriate law. Some commenters said that these bonds would constitute ''double bonding.'' We disagree. Bonds for the benefit of the surface owner are for a different purpose than the reclamation bonds required for all APDs. When both bonds are required, they satisfy the requirements of different statutes, protect different parties, and assure performance of different obligations, i.e., surface restoration versus damage to structures.

One commenter alleged that the BLM managers actively dissuade surface owners from participating in the bonding process, thus somehow rendering the Order illegal. Any such conduct would be improper under the existing Order. No change to the Order is necessary based on this comment.

One commenter asked why we require the operator to enter into an agreement with the surface owner prior to approval of the APD since the agreement may need to be revised to comply with changes that the BLM may make to the proposed action. We did not revise the Order as a result of this comment. Under the terms of the patenting statutes, the BLM cannot approve entry onto the land for drilling until either agreement is reached or a bond is posted. Each party should anticipate that changes to a proposed action may occur during the APD approval process and negotiate accordingly.

Another commenter suggested that the Order should set minimum standards for Surface Access Agreements and suggested language for an agreement. The BLM and the FS believe that most surface owners and operators would object to such a requirement. In most split estate cases surface owners and operators do reach an agreement. This is evidenced by the very few bonds that we hold for the benefit of the surface owner. Also, there appears to be a general reluctance from both surface owners and operators alike to divulge the terms of these agreements and we take that to indicate that they would object to required terms for such agreements. We did not set minimum standards for Surface Access Agreements. However, the BLM and the FS are always willing to discuss

concerns with surface owners and operators.

Some commenters asked for more involvement of the surface owner in review of the proposed action and asked why the BLM will not include all surface owner requests in the approved APD. We emphasize that the BLM will always invite the surface owner to the onsite inspection if they can be located. The BLM will consider any input that the surface owner may have and will make adjustments to the operator's plans that are reasonable. These changes may include road realignment and other similar adjustments. They would not include terms of a Surface Access Agreement that are not directly related to the proposed action in the APD. A private contract may include an agreement to provide benefits that are not related to development of the oil and gas. These items would not be enforceable by the BLM and cannot be included in the Conditions of Approval of the APD. To avoid confusion, we removed the statement that suggested we would only consider the surface owner concerns to the extent that they are consistent with Federal land management policy.

One commenter asked why the BLM and the FS would only require reclamation and not restoration, but did not provide a distinction between the two terms. We define reclamation in the Order to mean ''returning disturbed land as near to its predisturbed condition as is reasonably practical or as specified in an approved APD.'' Section XI.B. of the Order requires the BLM to contact the surface owner and involve them in determining reclamation requirements, any changes to reclamation plans, and the final approval of reclamation operations.

A few commenters stated that the private surface owner should be provided with notices of oil and gas lease sales and be allowed to provide input into the leasing process. The commenters also wanted improved involvement in decisions that affect their private surface. The BLM's leasing processes are outside the scope of this Order. However, under current rules and processes, diligent landowners have ample opportunities to make themselves aware of decisions to lease lands. The BLM makes decisions regarding areas to be made available for leasing and lease stipulations during the land use planning process. The land use planning process is open to public participation and comment and the BLM encourages private landowners to make their views known through this process. Also, lease sales are posted on the BLM's Web sites and the details are also available through individual BLM offices.

Several commenters stated that the BLM does not have the authority to require a private landowner to submit to cultural and biological surveys on privately owned surface. One commenter stated that it is incumbent upon the BLM to respect the wishes of the private landowner with respect to these surveys. We disagree. The Federal mineral estate is the dominant estate and the BLM and its lessees may enter the lands to perform such operations as are necessary to develop the minerals. The BLM and the FS are required to comply with Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act prior to approving the lease operations on Federal minerals regardless of surface ownership. Satisfying statutory requirements may include conducting specific inventories. To the extent that these inventories are a necessary prerequisite to developing the minerals, they are within the rights reserved to the United States in the patent. We modified Section VI. of the Order to make this clear.

One commenter wanted the Order to adopt language in proposed Federal legislation pending before Congress that provides more protections for surface owners. The final rule is consistent with existing law pertaining to split estate and the rights possessed by the holders of outstanding leases that limit what the BLM can do under current law. Therefore, we did not modify the Order as requested by the commenter.

Section VII. Leases for Indian Oil and Gas

Purpose: This section discusses the requirements and procedures for operating on Indian oil and gas leases. It also discusses the process for approval of APDs, Master Development Plans, and Sundry Notices on Indian tribal and allotted oil and gas leases held in trust and Indian Mineral Development Trust mineral agreements.

Summary of Changes: In the final rule we clarified the relationship of the BIA as the Surface Managing Agency and the Indian mineral owners relative to the BLM approvals under the Order.

Comments and Responses: A few commenters stated that the reference to Indian oil and gas does not clearly address the issues surrounding the relationship between the BLM and the tribal management with respect to APDs. They encouraged the BLM to approve APDs on tribal lands within 30 days of receipt of a complete APD. The final rule reduces the confusion caused by using the term ''Surface Management Entity'' that included both the BIA and the Indian mineral owner. The final rule refers to the ''Surface Managing Agency,'' which is the BIA and not the tribe. The BLM cannot approve an APD until all non-discretionary actions are completed and other Surface Managing Agencies, including the BIA in these cases, are consulted. The BLM must seek BIA input for Indian oil and gas leases and will strive to issue permits in a timely manner.

One commenter asked for an explanation of the procedure to be used for processing APDs on tribal lands. The final rule makes it clear that on tribal lands held in trust or subject to Federal restrictions against alienation, the BLM will review and process APDs in the same manner as on BLM lands, but will consult and consider recommendations for the Surface Use Plan of Operations from the Surface Managing Agency (BIA) and surface owners (the tribe). We modified the provisions on surface access of Indian lands to make them consistent with BIA regulations. Decisions on APD approval are subject to State Director Review and the BLM's appeal procedures.

Section VIII. Subsequent Operations and Sundry Notices

Purpose: This section describes approval of operations that occur after the APD has been approved, including changes to the drilling plan. The additional operations occasionally include additional surface disturbance.

Summary of Changes: In the final rule we added a requirement that the operator must make a good faith effort to provide a copy of any Sundry Notice that requires additional surface disturbance to the private surface owner in the case of split estate. This is consistent with the requirement in the final rule to make a good faith effort to provide the Surface Use Plan of Operations to the split estate surface owner and is a result of comments that we received.

Comments and Responses: One commenter suggested that operators be allowed to use e-mail and voice messages for notification of emergency repair. We agree. In the final rule the form of the contact is not specified, but the BLM will allow any form of contact as long as it is reasonable. The BLM and the FS contact information is listed on the approved APD.

Section IX. Well Conversion

Purpose: This section describes the process of converting an existing well into either an injection well or water well.

Summary of Changes: We added language to the final rule to clarify that if a Surface Managing Agency or surface owner acquires a water supply well, they assume liability for that well.

Comments and Responses: One commenter noted that the proposed Order requires application to both the BLM and the Surface Managing Agency to convert a production well to an injection well. The commenter stated that actual approval to inject rests with either the Environmental Protection Agency (EPA) or a state to which primacy has been granted by the EPA. The BLM recognizes the EPA's (and the primacy states') role in the Underground Injection Control program. However, that does not mean that the BLM does not have a role to play in the approval of the conversion of a well to an injection well on Federal lands. The BLM approves underground injection on Federal and Indian oil and gas leases under existing regulations at 43 CFR 3162.3–4(b) (see also Onshore Order Number 7, Disposal of Produced Water, 58 FR 47354).

Several commenters questioned the authority given to the Surface Managing Agency regarding approval of injection well conversions. One commenter asked if the Surface Managing Agency has veto authority over the approval. Under existing procedures and this final rule, if another Federal agency other than the FS manages the surface, the decision will be made by the BLM in consultation with that agency if additional surface disturbance is involved. The FS approves surface use on NFS lands. The commenters also asked if the disapproval is the result of the position of the Surface Managing Agency, whether such disapproval is subject to appeal under Section XIII. The commenters pointed out that Interior Board of Land Appeals (IBLA) has no authority over BIA decisions. There are no decisions by other agencies to appeal. All BLM decisions under this rule are appealable to the IBLA. The FS's decisions are appealable under Title 36 of the CFR. One cannot appeal a recommendation from another agency. One commenter stated that it is inappropriate to request that operators file the listed applications with Surface Managing Agencies that do not have any regulatory authority over conversions. The requirement to submit a Sundry Notice to a Surface Managing Agency other than the BLM has been eliminated from the Order if no additional surface disturbance is required.

One commenter mentioned that in addition to the BLM approval, notice to the state agency with authority for conversion to a water well will also be required. They suggested that including a reference to the appropriate state agency with authority over groundwater would help avoid failing to meet any state requirements. We did not revise the Order as a result of this comment because such a list would be extensive and would have the potential to change periodically. Also, the Order only covers Federal approvals and, therefore, the suggested list is outside the scope of this rule.

Section X. Variances

Purpose: This section provides guidance and requirements for obtaining a variance from the requirements of the Order or Notice to Lessee. A request for variance must show how the operator expects to meet the intent of the Order with the variance.

Summary of Changes: In the final rule we moved the discussion of waiver, exceptions, and modifications to a new section. We also explain that operators must demonstrate in their request for a variance that they will still meet the intent of the Order. This is based on comments requesting that we clarify the variance process (see the discussion in Section II. of this rule).

Comments and Responses: One commenter asked why the BIA's concurrence is not needed for variances. The BIA's concurrence is not necessary to grant a variance because it is a request to vary from the provisions of this Order for which the BLM and the FS have responsibility.

Section XI. Waivers, Exceptions, or Modifications

We added this section to the final rule to distinguish variances, which concern requirements of the Order, from waivers, exceptions, and modifications which concern lease terms. We did not add a definition for these three terms in Section II.; however, we did add language that clarifies the differences between the waivers, exceptions, and modifications. The text in this section was moved from the variance section in the proposed rule.

One commenter asked whether the BIA has authority to approve or deny waivers, exceptions, or modifications to lease stipulations. We did not amend the final rule as a result of this comment. On Indian oil and gas leases, where the surface is held in trust, the BIA is the sole authority for approval of waivers, exceptions, or modifications to lease stipulations.

One commenter pointed out that a 30-day posting is not always necessary when a waiver, exception, or modification of lease terms is requested because these are often addressed in the planning document. We agree. A 30-day posting is only required if the waiver, exception, or modification is substantial. The granting of a waiver, exception, or modification would not be considered substantial if the circumstances warranting a waiver, exception, or modification were prescribed in the planning document and the associated impacts were disclosed in the environmental impact statement for the Resource Management Plan.

One commenter was concerned that the requirement for concurrence from the Surface Managing Agency for waiver, exception, or modification will result in unnecessary delays. The BLM is required by the Reform Act to provide public notice whenever a waiver, exception, or modification is substantial (Section 5102(d) of the Federal Onshore Oil and Gas Leasing Reform Act of 1987, 101 Stat. 1330–256, P.L. 100–203). The reason the BLM consults with the Surface Managing Agency is because the agency developed the lease stipulations and therefore any associated waivers, exceptions, or modifications must be based on that agency's concurrence as well.

Section XII. Abandonment

Note: Since the final rule adds a separate section for waivers, exceptions, and modifications, the abandonment section has been renumbered from XI. to XII.

Purpose: This section describes the requirements for notification of intent to abandon a well and reclaim the site. It describes requirements for providing notice of intended change in reclamation. Some of the comments related to this section dealt with timing of reclamation and involvement of a private surface owner (also see Section VI.).

Summary of Changes: In the final rule we moved from this section to Section IX. the statements about the BLM and the FS approving complete abandonment of the well if the Surface Managing Agency or surface owner commits to acquiring it as a water well and the acquiring party's assumption of liability. We also modified this section to require the operator to notify and consider the views of the private surface owner prior to a Notice of Abandonment being filed.

Comments and Responses: One commenter asked that we add to the final rule a deadline for reclamation, especially on private surface. Reclamation properly begins as soon as the drilling operation ends. We typically require interim reclamation of that portion of the site that is no longer

needed when a producing well is established. We believe that this can best be handled in Conditions of Approval and by lease terms rather than in the Order. We made no change based on this comment.

XIII. Appeal Procedures

Note: With the addition of a separate section for waivers, exceptions, and modifications the appeal procedures section has been renumbered from XII. to XIII.

Purpose: This section describes the process of appealing decisions of the agencies and statutory basis for appeal procedures.

Summary of Changes: The only change to this section was to change the term ''are subject to'' to ''may be subject to'' as that phrase applies to appeals of FS decisions. We made this change because some decisions based on categorical exclusions may not be subject to 36 CFR part 215.

Comments and Responses: Comments received on this section are discussed earlier in previous section discussions of this preamble.

XIV. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

The final rule will not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis has not been prepared. The final rule primarily involves changes to the BLM's and the FS's administrative processes. The revision to the definition of ''Complete APD'' requiring onsite inspections would have no impact on operators since onsite inspections are currently required as part of the APD approval process. The provisions are consistent with existing policy and practice when operating on split estate lands with Indian surface ownership, and therefore would have no economic impact. Other changes, such as adding a provision for the use of Master Development Plans, may improve processing and predictability of operations due to better advance planning of field development. Clarifying that our authority to require additional bond applies to off-lease facilities would have no economic impact since the BLM already has the authority under the existing regulatory scheme to require this bond. The other revisions this final rule makes to the Order primarily involve changing the BLM and the FS's administrative processes. Because of clearer rules, operators will have a better understanding of the BLM and the FS requirements, processes, and timelines, and thus the result may be a reduction in delays when processing APDs. The BLM and operators should both see administrative cost savings realized from implementing the final rule.

The final rule will not create inconsistencies with other agency actions. The BLM has worked closely with the FS in assuring the maximum consistency between the policies of the two agencies. In fact, the Forest Service will adopt the final rule under their regulations at 36 CFR 228.105.

The final rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. As stated above, the final rule primarily revises administrative processes for APD approvals and should not impact any of the above listed items.

The final rule does not raise novel legal or policy issues. Legal and policy issues addressed by the final rule are already addressed in the existing Order, existing regulations, existing policy, or existing law.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. For the purposes of this analysis, we will assume that all entities (all lessees and operators) that may be impacted by these regulations are small entities.

The final rule deals mainly with the requirements necessary for the approval of all proposed oil and gas exploratory, development, or service wells on all Federal and Indian (other than those of the Osage Tribe) onshore oil and gas leases. These changes are not significantly different from the existing Order and primarily consist of changes to the BLM's and the FS's administrative processes. As a result of clearer rules, operators will have a better understanding of the BLM's and the FS's requirements, processes, and timelines. This will likely reduce delays in processing and both the BLM and operators should see some administrative cost savings. The provision(s) for operating on split estate lands with Indian surface ownership is consistent with existing policy and practice and therefore would have no economic impact. Therefore, the BLM has determined under the RFA that the final rule would not have a significant economic impact on a substantial number of small entities.

The use of Best Management Practices in Conditions of Approval for a permit to drill is not new. The BLM currently uses them as Conditions of Approval and therefore this provision will have no economic impact on small entities.

The bonding provision in the rule will not impact small entities since the provision merely clarifies the existing regulations. As stated earlier, an Assistant Solicitor's Opinion of July 19, 2004, concluded that under the current regulation the BLM has the authority to require additional bond for off-site facilities and to require either a separate bond or an increase in the required amount of an existing bond. Accordingly, the rule does not represent a change in the regulatory scheme.

Small Business Regulatory Enforcement Fairness Act

These final regulations are not a ''major rule'' as defined at 5 U.S.C. 804(2). For the reasons stated in the RFA and Executive Order 12866 discussions, this rule would not have an annual effect on the economy greater than $100 million; it would not result in major cost or price increases for consumers, industries, government agencies, or regions; and it would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

These final regulations do not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year; nor do these proposed regulations have a significant or unique effect on State, local, or tribal governments or the private sector. The final rule codifies certain decisions made by the Congress in the Energy Policy Act of 2005. The discretionary provisions primarily involve changes to the BLM's and the FS's administrative processes and would not have any significant effect monetarily, or otherwise, on the entities listed and therefore would not add to any burden imposed by the final rule. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

In accordance with Executive Order 12630, the final rule does not have significant takings implications. A takings implication assessment in not required. This final rule identifies the procedural requirements necessary for approval of proposed exploratory, development of service wells, and most subsequent well operations. All such actions are subject to lease terms which expressly require that subsequent least activities must be approved in compliance with applicable Federal laws and regulations, including NEPA, ESA, and NHPA. The final rule carefully conforms to the terms of those Federal leases and regulations and as such the rule is not a governmental action capable of interfering with constitutionally protected property rights. Furthermore, this final rule has no potential to affect property rights because the changes reduce the burdens on regulated parties. Therefore, the final rule will not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

In accordance with Executive Order 13132, the final rule does not have significant Federalism effects. A Federalism assessment is not required because the rule does 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. The final rule will not have any effect on any of the items listed. The final rule affects the relationship between operators, lessees, and the BLM and the FS, but would not impact states. Therefore, in accordance with Executive Order 13132, the BLM has determined that the final rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 Departmental Manual 2, the BLM evaluated possible effects on federally recognized Indian tribes. The BLM approves proposed operations on all Indian (other than those of the Osage Tribe) onshore oil and gas leases and agreements and therefore the final rule has the potential to impact Indian tribes. The BLM has consulted with the tribes on the proposed revisions to the Order.

Executive Order 12988, Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the final rule does not unduly burden the judicial system and meets the requirements of Sections 3(a) and 3(b)(2) of the Order. We have reviewed the final rule to eliminate drafting errors and ambiguity. It has been written to minimize litigation, provide clear legal standards for affected conduct rather than general standards, and promote simplification and burden reduction. The final rule was written in plain language and legal counsel assisted in all of these areas.

Paperwork Reduction Act

These regulations contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), we submitted a copy of the proposed information collection requirements to the Office of Management and Budget for review. The OMB approved the information collection requirements under Control Number 1004–0137, which expires on March 31, 2007.

National Environmental Policy Act

We have analyzed this final rule in accordance with the criteria of the NEPA and 516 Departmental Manual. The revisions to the existing Order will not impact the environment significantly. For the most part, the revisions would involve changes to the BLM's administrative processes. For example, changes to the meaning of ''Complete APD'' only pertain to the application and the process the BLM will use to review APD packages and would have no impact on the environment. Other changes, such as adding provisions for the use of Master Development Plans, should provide improved environmental protection due to better advance planning of field development. The clarification as to the BLM's obligation under the National Historic Preservation Act and the Endangered Species Act on split estate lands should reduce effects on cultural resources and protected species and their habitats. The clarification of the BLM's authority to increase bond requirements to cover off-site facilities should also reduce potential effects on the environment. Also, procedural and clarifying changes will have no meaningful impact on the environment. The use of Best Management Practices as Conditions of Approval can lead to reduced environmental damage. Furthermore, environmental effects of proposed operations on public and Federal lands are analyzed on a case-by-case basis. The BLM and the FS have prepared an environmental assessment and have found that this final rule would not constitute a major Federal action significantly affecting the quality of the human environment under Section 102(2)(C) of the NEPA, 42 U.S.C. 4332(2)(C). A detailed statement under NEPA is not required. The BLM has placed the EA and the Finding of No Significant Impact on file in the BLM Administrative Record at the address specified in the **ADDRESSES** section.

Data Quality Act

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

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

In accordance with Executive Order 13211, the BLM has determined that the proposed rule will not have substantial direct effects on the energy supply, distribution or use, including a shortfall in supply or price increase. This rule would clarify the administrative processes involved in approving an APD and more clearly lay out the timeline for processing applications. It is not clear to what extent clarification of the rules will save the BLM, the FS, or operators' administrative cost, but we anticipate that the cost savings will be minimal, as will any direct effects on the energy supply, distribution or use.

Executive Order 13352, Facilitation of Cooperative Conservation

In accordance with Executive Order 13352, the BLM has determined that the final rule primarily involves changes to the BLM and Forest Service administrative processes. This rule does not impede facilitating cooperative conservation; takes appropriate account of and considers the interests of persons with ownership or other legally recognized interests in land or other natural resources; has no effect on local participation in the Federal decision-making process except to enhance the opportunities for surface owners; and provides that the programs, projects, and activities are consistent with protecting public health and safety.

Authors

The principal authors of this rule are: James Burd of the BLM Washington Office; Bo Brown of the BLM Alaska State Office; Brian Pruiett and Jennifer Spegon of the BLM Buffalo, Wyoming Field Office; Gary Stephens of the BLM New Mexico State Office; Hank Szymanski of the BLM Colorado State Office; Al McKee of the BLM Utah State Office; Howard Clevinger of the BLM Vernal, Utah Field Office; Roy Swalling of the Montana State Office; Greg Noble of the Alaska State Office; Steve Hansen of the BLM Arizona State Office; and Barry Burkhardt of the FS Intermountain Regional Office, Ogden, Utah, and assisted by the staff of the BLM's Division of Regulatory Affairs and the Department of the Interior's Office of the Solicitor.

List of Subjects

36 CFR Part 228

Environmental protection; Mines; National forests; Oil and gas exploration; Public lands-mineral resources; Public lands-rights-of-way; Reporting and recordkeeping requirements; Surety bonds; Wilderness areas.

43 CFR Part 3160

Administrative practice and procedure; Government contracts; Indians-lands; Mineral royalties; Oil and gas exploration; Penalties; Public lands-mineral resources; Reporting and recordkeeping requirements.

36 CFR Chapter II

■ For the reasons set out in the joint preamble, the FS amends 36 CFR part 228 as follows:

PART 228—MINERALS

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551); 41 Stat. 437, as amended, Sec. 5102(d), 101 Stat. 1330–256 (30 U.S.C. 226); 61 Stat. 681, as amended (30 U.S.C. 601); 61 Stat. 914, as amended (30 U.S.C. 352); 69 Stat. 368, as amended (30 U.S.C. 611); and 94 Stat. 2400.

■ 2. Revise § 228.105(a)(1) to read as follows:

§ 228.105 Issuance of onshore orders and notices to lessees

(a) * * *

(1) *Surface Use Plans of Operations and Master Development Plans.* Operators shall submit Surface Use Plans of Operations or Master Development Plans in accordance with Onshore Oil and Gas Order No. 1. Approval of a Master Development Plan constitutes a decision to approve Surface Use Plans of Operations submitted as a part of the Master Development Plan. Subsequently submitted Surface Use Plans of Operations shall be reviewed to verify that they are consistent with the approved Master Development Plan and whether additional NEPA documentation or consultation pursuant to the National Historic Preservation Act or the Endangered Species Act is required. If the review determines that additional documentation is required, the Forest Service will review the additional documentation or consult as appropriate and make an independent decision regarding the subsequently submitted Surface Use Plan of Operations, and notify the BLM and the operator whether the Surface Use Plan of Operations is approved.

* * * * *

■ 3. Revise § 228.107(c) to read as follows:

§ 228.107 Review of surface use plan of operations.

* * * * *

(c) *Public notice.* The authorized Forest Service officer will give public notice of the decision regarding a surface use plan of operations and include in that notice whether the decision is appealable under the applicable Forest Service appeal procedures.

* * * * *

Appendix A to subpart E of part 228 [Removed]

■ 4. Remove Appendix A to subpart E of part 228.

Dated: February 9, 2007.

David P. Tenny,

Deputy Under Secretary, Natural Resources Environment, Forest Service.

43 CFR Chapter II

■ For the reasons set out in the joint preamble, the Bureau of Land Management amends 43 CFR part 3160 as follows:

PART 3160—ONSHORE OIL AND GAS OPERATIONS

■ 1. The authority citation for part 3160 continues to read as follows:

Authority: 25 U.S.C. 396d and 2107; 30 U.S.C. 189, 306, 359, and 1751; and 43 U.S.C. 1732(b), 1733, and 1740.

■ 2. Amend § 3164.1(b) by revising the first entry in the table as follows:

§ 3164.1 Onshore Oil and Gas Orders.

* * * * *

(b) * * *

Order No.	Subject	Effective date	Federal Register reference	Supersedes
1.	Approval of operations	May 7, 2007	71 FR	NTL–6.

* * * * *

The following Order would be implemented by the BLM and the FS, but will not be codified in the Code of Federal Regulations.

Dated: December 1, 2006.

C. Stephen Allred,

Assistant Secretary, Land and Minerals Management.

Appendix—Text of Oil and Gas Onshore Order

Note: This appendix will not appear in the BLM regulations in 43 Code of Federal Regulations.

Onshore Oil and Gas Order Number 1

Approval of Operations

I. Introduction
A. Authority
B. Purpose
C. Scope
II. Definitions
III. Application for Permit To Drill (APD)
A. Where to File
B. Early Notification
C. Notice of Staking Option
D. Components of a Complete APD Package
E. APD Posting and Processing
F. Approval of APDs
G. Valid Period of Approved APD
H. Master Development Plans
IV. General Operating Requirements
V. Rights-of-Way and Special Use Authorizations
VI. Operating on Lands With Private/State Surface and Federal or Indian Oil and Gas
VII. Leases for Indian Oil and Gas
A. Approval of Operations
B. Surface Use
VIII. Subsequent Operations and Sundry Notices
A. Surface Disturbing Operations
B. Emergency Repairs
IX. Well Conversions
A. Conversion to an Injection Well
B. Conversion to a Water Supply Well
X. Variances
XI. Waivers, Exceptions, or Modifications
XII. Abandonment

A. Plugging
B. Reclamation
XIII. Appeal Procedures
Attachment I—Sample Format for Notice of Staking

Onshore Oil and Gas Order Number 1

Approval of Operations

I. Introduction

A. Authority

The Secretaries of the Interior and Agriculture have authority under various Federal and Indian mineral leasing laws, as defined in 30 U.S.C. 1702, to manage oil and gas operations. The Secretary of the Interior has delegated this authority to the Bureau of Land Management (BLM), which has issued onshore oil and gas operating regulations codified at part 3160 of Title 43 of the Code of Federal Regulations. The operating regulations at 43 CFR 3164.1 authorize the BLM's Director to issue Onshore Oil and Gas Orders when necessary to implement and supplement the operating regulations. The section also states that all such Orders are binding on the operator(s) of Federal and Indian onshore oil and gas leases (other than those of the Osage Tribe). For leases on Indian lands, the delegation to the BLM appears at 25 CFR parts 211, 212, 213, 225, and 227.

The Secretary of Agriculture has authority under the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (P.L. 100–203) (Reform Act) to regulate surface disturbing activities conducted pursuant to a Federal oil and gas lease on National Forest Service (NFS) lands. This authority has been delegated to the Forest Service (FS). Its regulatory authority is at Title 36 CFR, Chapter II, including, but not limited to, part 228 subpart E, part 251 subpart B, and part 261. Section 228.105 of 36 CFR authorizes the Chief of the FS to issue, or cosign with the Director of the BLM Onshore Oil and Gas Orders necessary to implement and supplement the operating regulations. The FS is responsible only for approving and regulating surface disturbing activities on NFS lands and appeals related to FS decisions or approvals.

B. Purpose

The purpose of this Order is to state the application requirements for the approval of all proposed oil and gas and service wells, certain subsequent well operations, and abandonment.

C. Scope

This Order applies to all onshore leases of Federal and Indian oil and gas (other than those of the Osage Tribe). It also applies to Indian Mineral Development Act agreements. For proposed operations on a committed state or fee tract in a federally supervised unit or communitized tract, the operator must furnish a copy of the approved state permit to the authorized officer of the BLM which will be accepted for record purposes.

II. Definitions

As used in this Order, the following definitions apply:

Best Management Practices (BMP) are practices that provide for state-of-the-art mitigation of specific impacts that result from surface operations. Best Management Practices are voluntary unless they have been analyzed as a mitigation measure in the environmental review for a Master Development Plan, APD, Right-of-Way, or other related facility and included as a Condition of Approval.

Blooie Line means a discharge line used in conjunction with a rotating head in drilling operations when air or gas is used as the circulating medium.

Casual Use means activities involving practices that do not ordinarily lead to any appreciable disturbance or damage to lands, resources, or improvements. This term does not apply to private surface. Casual use includes surveying activities.

Complete APD means that the information in the APD package is accurate and addresses all of the requirements of this Order. The onsite inspection verifies important information that is part of the APD package and is a critical step in determining if the package is complete. Therefore, the onsite inspection must be conducted, and any deficiencies identified at the onsite corrected, before the APD package can be considered to be complete. While cultural, biological, or other inventories and environmental assessments (EA) or environmental impact statements (EIS) may be required to approve the APD, they are not required before an APD package is considered to be complete. The APD package must contain:

- A completed Form 3160–3 (Application for Permit to Drill or Reenter) (see 43 CFR 3162.3–1(d));
- A well plat certified by a registered surveyor with a surveyor's original stamp (see Section III.D.2. of this Order);
- A Drilling Plan (see 43 CFR 3162.3–1(d) and Section III.D.3. of this Order);
- A Surface Use Plan of Operations (see 43 CFR 3162.3–1(d) and Section III.D.4. of this Order);
- Evidence of bond coverage (see 43 CFR 3162.3–1(d) and Section III.D.5. of this Order);
- Operator certification with original signature (see Section III.D.6. of this Order); and
- Other information that may be required by Order or Notice (see 43 CFR 3162.3–1(d)(4)).

The BLM and the Surface Managing Agency, as appropriate, will review the APD package and determine that the drilling plan, the Surface Use Plan of Operations, and other information that the BLM may require (43 CFR 3162.3–1(d)(4)), including the well location plat and geospatial databases, completely describe the proposed action.

Condition of Approval (COA) means a site-specific requirement included in an approved APD or Sundry Notice that may limit or amend the specific actions proposed by the operator. Conditions of Approval minimize, mitigate, or prevent impacts to public lands or other resources. Best Management Practices may be incorporated as a Condition of Approval.

Days means all calendar days including holidays.

Emergency Repairs means actions necessary to correct an unforeseen problem that could cause or threaten immediate substantial adverse impact on public health and safety or the environment.

Geospatial Database means a set of georeferenced computer data that contains both spatial and attribute data. The spatial data defines the geometry of the object and the attribute data defines all other characteristics.

Indian Lands means any lands or interest in lands of an Indian tribe or an Indian allottee held in trust by the United States or which is subject to a Federal restriction against alienation.

Indian Oil and Gas means any oil and gas interest of an Indian tribe or on allotted lands where the interest is held in trust by the United States or is subject to Federal restrictions against alienation. It does not include minerals subject to the provisions of Section 3 of the Act of June 28, 1906 (34 Stat. 539), but does include oil and gas on lands administered by the United States under Section 14(g) of Public Law 92–203, as amended.

Master Development Plan means information common to multiple planned wells, including drilling plans, Surface Use Plans of Operations, and plans for future production.

National Forest System Lands means those Federal lands administered by the U.S. Forest Service, such as the National Forests and the National Grasslands.

Onsite Inspection means an inspection of the proposed drill pad, access road, flowline route, and any associated Right-of-Way or Special Use

Authorization needed for support facilities, conducted before the approval of the APD or Surface Use Plan of Operations and construction activities.

Private Surface Owner means a non-Federal or non-state owner of the surface estate and includes any Indian owner of surface estate not held in trust by the United States.

Reclamation means returning disturbed land as near to its predisturbed condition as is reasonably practical.

Split Estate means lands where the surface is owned by an entity or person other than the owner of the Federal or Indian oil and gas.

Surface Managing Agency means any Federal or state agency having jurisdiction over the surface overlying Federal or Indian oil and gas.

Variance means an approved alternative to a provision or standard of an Order or Notice to Lessee.

III. Application for Permit To Drill (APD)

An Application for Permit to Drill or Reenter, on Form 3160–3, is required for each proposed well, and for reentry of existing wells (including disposal and service wells), to develop an onshore lease for Federal or Indian oil and gas.

A. Where To File

The operator must file an APD or any other required documents in the BLM Field Office having jurisdiction over the lands described in the application. As an alternative to filing in a local BLM office, an operator may file an APD using the BLM's electronic commerce application for oil and gas permitting and reporting. Contact the local BLM Field Office for details before using the electronic commerce application.

B. Early Notification

The operator may wish to contact the BLM and any applicable Surface Managing Agency, as well as all private surface owners, to request an initial planning conference as soon as the operator has identified a potential area of development. Early notification is voluntary and would precede the Notice of Staking option or filing of an APD. It allows the involved Surface Managing Agency or private surface owner to apprise the prospective operator of any unusual conditions on the lease area. Early notification also provides both the Surface Managing Agency or private surface owner and the prospective operator with the earliest possible identification of seasonal restrictions and determination of potential areas of conflict. The prospective operator should have a map of the proposed project available for Surface Managing Agency review to determine if a cultural or biological inventory or other information may be required. Inventories are not the responsibility of the operator.

C. Notice of Staking Option

Before filing an APD or Master Development Plan, the operator may file a Notice of Staking with the BLM. The purpose of the Notice of Staking is to provide the operator with an opportunity to gather information to better address site-specific resource concerns while preparing the APD package. This may expedite approval of the APD. Attachment I, Sample Format for Notice of Staking, provides the information required for the Notice of Staking option.

For Federal lands managed by other Surface Managing Agencies, the BLM will provide a copy of the Notice of Staking to the appropriate Surface Managing Agency office. In Alaska, when a subsistence stipulation is part of the lease, the operator must also send a copy of the Notice of Staking to the appropriate Borough and/or Native Regional or Village Corporation.

Within 10 days of receiving the Notice of Staking, the BLM or the FS will review it for required information and schedule a date for the onsite inspection. The onsite inspection will be conducted as soon as weather and other conditions permit. The operator must stake the proposed drill pad and ancillary facilities, and flag new or reconstructed access routes, before the onsite inspection. The staking must include a center stake for the proposed well, two reference stakes, and a flagged access road centerline. Staking activities are considered casual use unless the particular activity is likely to cause more than negligible disturbance or damage. Off-road vehicular use for the purposes of staking is casual use unless, in a particular case, it is likely to cause more than negligible disturbance or damage, or otherwise prohibited.

On non-NFS lands, the BLM will invite the Surface Managing Agency and private surface owner, if applicable, to participate in the onsite inspection. If the surface is privately owned, the operator must furnish to the BLM the name, address, and telephone number of the surface owner if known. All parties who attend the onsite inspection will jointly develop a list of resource concerns that the operator must address in the APD. The operator will be provided a list of these concerns either during the onsite inspection or within 7 days of the onsite inspection. Surface owner concerns will be considered to the extent practical within the law. Failure to submit an APD within 60 days of the onsite inspection will result in the Notice of Staking being returned to the operator.

D. Components of a Complete APD Package

Operators are encouraged to consider and incorporate Best Management Practices into their APDs because Best Management Practices can result in reduced processing times and reduced number of Conditions of Approval. An APD package must include the following information that will be reviewed by technical specialists of the appropriate agencies to determine the technical adequacy of the package:

1. A Completed Form 3160–3; And
2. Well Plat

Operators must include in the APD package a well plat and geospatial database prepared by a registered surveyor depicting the proposed location of the well and identifying the points of control and datum used to establish the section lines or metes and bounds. The purpose of this plat is to ensure that operations are within the boundaries of the lease or agreement and that the depiction of these operations is accurately recorded both as to location (latitude and longitude) and in relation to the surrounding lease or agreement boundaries (public land survey corner and boundary ties). The registered surveyor should coordinate with the cadastral survey division of the appropriate BLM State Office, particularly where the lands have not been surveyed under the Public Land Survey System.

The plat and geospatial database must describe the location of operations in:

- Geographical coordinates referenced to the National Spatial Reference System, North American Datum 1983 or latest edition; and
- In feet and direction from the nearest two adjacent section lines, or, if not within the Rectangular Survey System, the nearest two adjacent property lines, generated from the BLM's current Geographic Coordinate Data Base.

The surveyor who prepared the plat must sign it, certifying that the location has been staked on the ground as shown on the plat.

a. Surveying and staking are necessary casual uses, typically involving negligible surface disturbance. The operator is responsible for making access arrangements with the appropriate Surface Managing Agency (other than the BLM and the FS) or

private surface owner. On tribal or allotted lands, the operator must contact the appropriate office of the BIA to make access arrangements with the Indian surface owners. In the event that not all of the Indian owners consent or may be located, but a majority of those who can be located consent, or the owners of interests are so numerous that it would be impracticable to obtain their consent and the BIA finds that the issuance of the APD will cause no substantive injury to the land or any owner thereof, the BIA may approve access. Typical off-road vehicular use, when conducted in conjunction with these activities, is a necessary action for obtaining a permit and may be done without advance approval from the Surface Managing Agency, except for:

- Lands administered by the Department of Defense;
- Other lands used for military purposes;
- Indian lands; or
- Where more than negligible surface disturbance is likely to occur or is otherwise prohibited.

b. No entry on split estate lands for surveying and staking should occur without the operator first making a good faith effort to notify the surface owner. Also, operators are encouraged to notify the BLM or the FS, as appropriate, before entering private lands to stake for Federal mineral estate locations.

3. Drilling Plan

With each copy of Form 3160–3, the operator must submit to the BLM either a Drilling Plan or reference a previously submitted field-wide drilling plan (a drilling plan that can be used for all the wells in a field, any differences for specific wells will be described in the APD specific to that well). The Drilling Plans must be in sufficient detail to permit a complete appraisal of the technical adequacy of, and environmental effects associated with, the proposed project. The Drilling Plan must adhere to the provisions and standards of Onshore Oil and Gas Order Number 2 (see 53 FR 46790) (Order 2) and, if applicable, Onshore Oil and Gas Order Number 6 (see 55 FR 48958) (Order 6), and must include the following information:

a. Names and estimated tops of all geologic groups, formations, members, or zones.

b. Estimated depth and thickness of formations, members, or zones potentially containing usable water, oil, gas, or prospectively valuable deposits of other minerals that the operator expects to encounter, and the operator's plans for protecting such resources.

c. The operator's minimum specifications for blowout prevention equipment and diverter systems to be used, including size, pressure rating, configuration, and the testing procedure and frequency. Blowout prevention equipment must meet the minimum standards outlined in Order 2.

d. The operator's proposed casing program, including size, grade, weight, type of thread and coupling, the setting depth of each string, and its condition. The operator must include the minimum design criteria, including casing loading assumptions and corresponding safety factors for burst, collapse, and tensions (body yield and joint strength). The operator must also include the lengths and setting depth of each casing when a tapered casing string is proposed. The hole size for each well bore section of hole drilled must be included. Special casing designs such as the use of coiled tubing or expandable casing may necessitate additional information.

e. The estimated amount and type(s) of cement expected to be used in the setting of each casing string. If stage cementing will be used, provide the setting depth of the stage tool(s) and amount and type of cement, including additives, to be used for each stage. Provide the yield of each cement slurry and the expected top of cement, with excess, for each cemented string or stage.

f. Type and characteristics of the proposed circulating medium or mediums proposed for the drilling of each well bore section, the quantities and types of mud and weighting material to be maintained, and the monitoring equipment to be used on the circulating system. The operator must submit the following information when air or gas drilling is proposed:

- Length, size, and location of the blooie line, including the gas ignition and dust suppression systems;
- Location and capacity of the compressor equipment, including safety devices, describe the distance from the well bore, and location within the drill site; and
- Anticipated amounts, types, and other characteristics as defined in this section, of the stand by mud or kill fluid and associated circulating equipment.

g. The testing, logging, and coring procedures proposed, including drill stem testing procedures, equipment, and safety measures.

h. The expected bottom-hole pressure and any anticipated abnormal pressures, temperatures, or potential hazards that the operator expects to encounter, such as lost circulation and hydrogen sulfide (see Order 6 for information on hydrogen sulfide operations). A description of the operator's plans for mitigating such hazards must be included.

i. Any other facets of the proposed operation that the operator would like the BLM to consider in reviewing the application. Examples include, but are not limited to:

- For directional wells, proposed directional design, plan view, and vertical section in true vertical and measured depths;
- Horizontal drilling; and
- Coil tubing operations.

4. Surface Use Plan of Operations

The Surface Use Plan of Operations must:

- Describe the access road(s) and drill pad, the construction methods that the operator plans to use, and the proposed means for containment and disposal of all waste materials;
- Provide for safe operations, adequate protection of surface resources, groundwater, and other environmental components;
- Include adequate measures for stabilization and reclamation of disturbed lands;
- Describe any Best Management Practices the operator plans to use; and
- Where the surface is privately owned, include a certification of Surface Access Agreement or an adequate bond, as described in Section VI. of this Order.

All maps that are included in the Surface Use Plan of Operations must be of a scale no smaller than 1:24,000, unless otherwise stated below. Geospatial vector and raster data must include appropriate attributes and metadata. Georeferenced raster images must be from the same source as hardcopy plats and maps submitted in the APD package. All proposed on-lease surface disturbance must be surveyed and staked as described below in items a through l, including:

- The well location;
- Two 200-foot (61-meter) directional reference stakes;
- The exterior pad dimensions;
- The reserve pit;
- Cuts and fills;
- Outer limits of the area to be disturbed (catch points); and
- Any off-location facilities.

Proposed new roads require centerline flagging with stakes clearly visible from one to the next. In rugged terrain, cut and fill staking and/or slopestaking of proposed new access roads and locations for ancillary facilities that may be necessary, as determined by the BLM or the FS.

The onsite inspection will not occur until the required surveying and staking

is complete, and any new access road(s) have been flagged, unless a variance is first granted under Section X. of this Order.

Information required by the Surface Use Plan of Operations may be shown on the same map if it is appropriately labeled or on separate diagrams or maps and must include the following:

a. *Existing Roads:* The operator must submit a legible map such as a highway or county road, United States Geological Survey (USGS) topographic, Alaska Borough, or other such map that shows the proposed well site and access route to the proposed well in relation to a town, village, or other locatable public access point.

1. The operator must improve or maintain existing roads in a condition the same as or better than before operations began. The operator must provide any plans for improvement and/or maintenance of existing roads. The information provided by the operator for construction and use of roads will be used by the BLM for any Right-of-Way application, as described in Section V. of this Order. The operator may use existing terrain and two-track trails, where appropriate, to assure environmental protection. The operator should consider using Best Management Practices in improving or maintaining existing roads.

2. The operator may use existing roads under the jurisdiction of the FS for access if they meet the transportation objectives of the FS. When access involves the use of existing roads, the FS may require that the operator contribute to road maintenance. This is usually authorized by a Road Use Permit or a joint road use agreement. The FS will charge the operator a pro rata share of the costs of road maintenance and improvement, based upon the anticipated use of the road.

b. *New or Reconstructed Access Roads:* The operator must identify on a map all permanent and temporary access roads that it plans to construct or reconstruct in connection with the drilling of the proposed well. Locations of all existing and proposed road structures (culverts, bridges, low water crossings, etc.) must be shown. The proposed route to the proposed drill site must be shown, including distances from the point where the access route exits established roads. All permanent and temporary access roads must be located and designed to meet the applicable standards of the appropriate Surface Managing Agency, and be consistent with the needs of the operator. The operator should consider using Best Management Practices in designing and constructing roads.

The operator must design roads based upon the class or type of road, the safety requirements, traffic characteristics, environmental conditions, and the vehicles the road is expected to carry. The operator must describe for all road construction or reconstruction:

- Road width;
- Maximum grade;
- Crown design;
- Turnouts;
- Drainage and ditch design;
- On-site and off-site erosion control;
- Revegetation of disturbed areas;
- Location and size of culverts and/or bridges;
- Fence cuts and/or cattleguards;
- Major cuts and fills;
- Source and storage of topsoil; and
- Type of surfacing materials, if any, that will be used.

c. *Location of Existing Wells:* The operator must include a map and may include a geospatial database that includes all known wells, regardless of the well status (producing, abandoned, etc.), within a one-mile radius of the proposed location.

d. *Location of Existing and/or Proposed Production Facilities:* The operator must include a map or diagram of facilities planned either on or off the well pad that shows, to the extent known or anticipated, the location of all production facilities and lines likely to be installed if the well is successfully completed for production.

The map or diagram and optional geospatial database must show and differentiate between proposed and existing flow lines, overhead and buried power lines, and water lines. If facilities will be located on the well pad, the information should be consistent with the layout provided in item i. of this section.

The operator must show the dimensions of the facility layouts for all new construction. This information may be used by the BLM or the FS for Right-of-Way or Special Use Authorization application information, as specified in Section V. of this Order.

If the operator has not developed information regarding production facilities, it may defer submission of that information until a production well is completed, in which case the operator will follow the procedures in Section VIII. of this Order. However, for purposes of NEPA analysis, the BLM or the FS will need a reasonable estimate of the facilities to be employed.

e. *Location and Types of Water Supply:* Information concerning water supply, such as rivers, creeks, springs, lakes, ponds, and wells, may be shown by quarter-quarter section on a map or plat, or may be described in writing. The operator must identify the source, access route, and transportation method for all water anticipated for use in drilling the proposed well. The operator must describe any newly constructed or reconstructed access roads crossing Federal or Indian lands that are needed to haul the water as provided in item b. of this section. The operator must indicate if it plans to drill a water supply well on the lease and, if so, the operator must describe the location, construction details, and expected production requirements, including a description of how water will be transported and procedures for well abandonment.

f. *Construction Materials:* The operator must state the character and intended use of all construction materials, such as sand, gravel, stone, and soil material. The proposed source must be shown on a quarter-quarter section of a map or plat or in a written description.

g. *Methods for Handling Waste:* The Surface Use Plan of Operations must contain a written description of the methods and locations proposed for safe containment and disposal of each type of waste material (e.g., cuttings, garbage, salts, chemicals, sewage, etc.) that results from drilling the proposed well. The narrative must include plans for the eventual disposal of drilling fluids and any produced oil or water recovered during testing operations. The operator must describe plans for the construction and lining, if necessary, of the reserve pit.

h. *Ancillary Facilities:* The operator must identify on a map the location and construction methods and materials for all anticipated ancillary facilities such as camps, airstrips, and staging areas. The operator must stake on the ground the approximate center of proposed camps and the centerline of airstrips. If the ancillary facilities are located off-lease, depending on Surface Managing Agency policy, the BLM or the FS may require the operator to obtain an additional authorization, such as a Right-of-Way or Special Use Authorization.

i. *Well Site Layout:* A diagram of the well site layout must have an arrow indicating the north direction. Diagrams with cuts and fills must be surveyed, designed, drawn, digitized, and certified by licensed professional surveyors or engineers. The operator must submit a plat of a scale of not less than 1 inch = 50 feet showing the location and orientation of:

- The proposed drill pad;
- Reserve pit/blooie line/flare pit location;

• Access road entry points and their approximate location with respect to topographic features and with cross section diagrams of the drill pad; and

• The reserve pit showing all cuts and fills and the relation to topography.

The plat must also include the approximate proposed location and orientation of the:

• Drilling rig;

• Dikes and ditches to be constructed; and

• Topsoil and/or spoil material stockpiles.

j. *Plans for Surface Reclamation:* The operator must submit a plan for the surface reclamation or stabilization of all disturbed areas. This plan must address interim (during production) reclamation for the area of the well pad not needed for production, as well as final abandonment of the well location. Such plans must include, as appropriate:

• Configuration of the reshaped topography;

• Drainage systems;

• Segregation of spoil materials (stockpiles);

• Surface disturbances;

• Backfill requirements;

• Proposals for pit/sump closures;

• Redistribution of topsoil;

• Soil treatments;

• Seeding or other steps to reestablish vegetation;

• Weed control; and

• Practices necessary to reclaim all disturbed areas, including any access roads and pipelines.

The operator may amend this reclamation plan at the time of abandonment. Further details for reclamation are contained in Section XII. of this Order.

k. *Surface Ownership:* The operator must indicate (in a narrative) the surface ownership at the well location, and of all lands crossed by roads that the operator plans to construct or upgrade, including, if known, the name of the agency or owner, phone number, and address. The operator must certify that they have provided a copy of the Surface Use Plan of Operations required in this section to the private surface owner of the well site location, if applicable, or that they made a good faith effort if unable to provide the document to the surface owner.

l. *Other Information:* The operator must include other information required by applicable orders and notices (43 CFR 3162.3–1(d)(4)). When an integrated pest management program is needed for weed or insect control, the operator must coordinate plans with state or local management agencies and include the pest management program in the Surface Use Plan of Operations. The BLM also encourages the operator to submit any additional information that may be helpful in processing the application.

5. Bonding

a. Most bonding needs for oil and gas operations on Federal leases are discussed in 43 CFR subpart 3104. The operator must obtain a bond in its own name as principal, or a bond in the name of the lessee or sublessee. If the operator uses the lessee or sublessee's bond, the operator must furnish a rider (consent of surety and principal) that includes the operator under the coverage of the bond. The operator must specify on the APD, Form 3160–3, the type of bond and bond number under which the operations will be conducted.

For Indian oil and gas, the appropriate provisions at 25 CFR Subchapter I, govern bonding.

Under the regulations at 43 CFR 3104.5 and 36 CFR 228.109, the BLM or the FS may require additional bond coverage for specific APDs. Other factors that the BLM or the FS may consider include:

• History of previous violations;

• Location and depth of wells;

• The total number of wells involved;

• The age and production capability of the field; and

• Unique environmental issues.

These bonds may be in addition to any statewide, nationwide, or separate lease bond already applicable to the lease. In determining the bond amount, the BLM may consider impacts of activities on both Federal and non-Federal lands required to develop the lease that impact lands, waters, and other resources off the lease.

Separate bonds may be required for associated Rights-of-Way and/or Special Use Authorizations that authorize activities not covered by the approved APD.

b. On Federal leases, operators may request a phased release of an individual lease bond. The BLM will grant this reduction after reclamation of some portion of the lease only if the operator:

• Has satisfied the terms and conditions in the plan for surface reclamation for that particular operation; and

• No longer has any down-hole liability.

c. If appropriate, the BLM may reduce the bond in the amount requested by the operator or appropriate Surface Managing Agency. The FS also may reduce bonds it requires (but not the BLM-required bonds). The BLM and the FS will base the amount of the bond reduction on a calculation of the sum that is sufficient to cover the remaining operations (including royalty payments) and abandonment (including reclamation) as authorized by the Surface Use Plan of Operations.

6. Operator Certification

The operator must include its name, address, and telephone number, and the same information for its field representative, in the APD package. The following certification must carry the operator's original signature or meet the BLM standards for electronic commerce:

I hereby certify that I, or someone under my direct supervision, have inspected the drill site and access route proposed herein; that I am familiar with the conditions which currently exist; that I have full knowledge of state and Federal laws applicable to this operation; that the statements made in this APD package are, to the best of my knowledge, true and correct; and that the work associated with the operations proposed herein will be performed in conformity with this APD package and the terms and conditions under which it is approved. I also certify that I, or the company I represent, am responsible for the operations conducted under this application. These statements are subject to the provisions of 18 U.S.C. 1001 for the filing of false statements.

Executed this ____ day of_____, 20____.

Name _____

Position Title _____

Address _____

Telephone _____

Field representative (if not above signatory) _____

Address (if different from above) _____

Telephone (if different from above) ____

E-mail (optional) _____

Agents not directly employed by the operator must submit a letter from the operator authorizing that agent to act or file this application on their behalf.

7. Onsite Inspection

The onsite inspection must be conducted before the APD will be considered complete.

E. APD Posting and Processing

1. Posting

The BLM and the Federal Surface Managing Agency, if other than the BLM, must provide at least 30 days public notice before the BLM may approve an APD or Master Development Plan on a Federal oil and gas lease. Posting is not required for an APD for an Indian oil and gas lease or agreement.

The BLM will post the APD or Notice of Staking in an area of the BLM Field Office having jurisdiction that is readily accessible to the public and, when possible, electronically on the internet. If the surface is managed by a Federal agency other than the BLM, that agency also is required to post the notice for at least 30 days. This would include the BIA where the surface is held in trust but the mineral estate is federally owned. The posting is for informational purposes only and is not an appealable decision. The purpose of the posting is to give any interested party notification that a Federal approval of mineral operations has been requested. The BLM or the FS will not post confidential information.

Reposting of the proposal may be necessary if the posted location of the proposed well is:

a. Moved to a different quarter-quarter section;

b. Moved more than 660 feet for lands that are not covered by a Public Land Survey; or

c. If the BLM or the FS determine that the move is substantial.

2. Processing

The timeframes established in this subsection apply to both individual APDs and to the multiple APDs included in Master Development Plans and to leases of Indian minerals as well as leases of Federal minerals.

If there is enough information to begin processing the application, the BLM (and the FS if applicable) will process it up to the point that missing information or uncorrected deficiencies render further processing impractical or impossible.

a. Within 10 days of receiving an application, the BLM (in consultation with the FS if the application concerns NFS lands) will notify the operator as to whether or not the application is complete. The BLM will request additional information and correction of any material submitted, if necessary, in the 10-day notification. If an onsite inspection has not been performed, the applicant will be notified that the application is not complete. Within 10 days of receiving the application, the BLM, in coordination with the operator and Surface Managing Agency, including the private surface owner in the case of split estate minerals, will schedule a date for the onsite inspection (unless the onsite inspection has already been conducted as part of a Notice of Staking). The onsite inspection will be held as soon as practicable based on participants' schedules and weather conditions. The operator will be notified at the onsite inspection of any additional deficiencies that are discovered during the inspection. The operator has 45 days after receiving notice from the BLM to provide any additional information necessary to complete the APD, or the APD may be returned to the operator.

b. Within 30 days after the operator has submitted a complete application, including incorporating any changes that resulted from the onsite inspection, the BLM will:

1. Approve the application, subject to reasonable Conditions of Approval, if the appropriate requirements of the NEPA, National Historic Preservation Act, Endangered Species Act, and other applicable law have been met and, if on NFS lands, the FS has approved the Surface Use Plan of Operations;

2. Notify the operator that it is deferring action on the permit; or

3. Deny the permit if it cannot be approved and the BLM cannot identify any actions that the operator could take that would enable the BLM to issue the permit or the FS to approve the Surface Use Plan of Operations, if applicable.

c. The notice of deferral in paragraph (b)(2) of this section must specify:

1. Any action the operator could take that would enable the BLM (in consultation with the FS if applicable) to issue a final decision on the application. The FS will notify the applicant of any action the applicant could take that would enable the FS to issue a final decision on the Surface Use Plan of Operations on NFS lands. Actions may include, but are not limited to, assistance with:

(A) Data gathering; and

(B) Preparing analyses and documents.

2. If applicable, a list of actions that the BLM or the FS need to take before making a final decision on the application, including appropriate analysis under NEPA or other applicable law and a schedule for completing these actions.

d. The operator has 2 years from the date of the notice under paragraph (c)(1) of this section to take the action specified in the notice. If the appropriate analyses required by NEPA, National Historic Preservation Act, Endangered Species Act, and other applicable laws have been completed, the BLM (and the FS if applicable), will make a decision on the permit and the Surface Use Plan of Operations within 10 days of receiving a report from the operator addressing all of the issues or actions specified in the notice under paragraph (c)(1) of this section and certifying that all required actions have been taken. If the operator has not completed the actions specified in the notice within 2 years from the operator's receipt of the paragraph (c)(1) notice, the BLM will deny the permit.

e. For APDs on NFS lands, the decision to approve a Surface Use Plan of Operations or Master Development Plan may be subject to FS appeal procedures. The BLM cannot approve an APD until the appeal of the Surface Use Plan of Operations is resolved.

F. Approval of APDs

a.1. The BLM has the lead responsibility for completing the environmental review process, except in the case of NFS lands.

2. The BLM cannot approve an APD or Master Development Plan until the requirements of certain other laws and regulations including NEPA, the National Historic Preservation Act, and the Endangered Species Act have been met. The BLM must document that the needed reviews have been adequately conducted. In some cases, operators conduct these reviews, but the BLM remains responsible for their scope and content and makes its own evaluation of the environmental issues, as required by 40 CFR 1506.5(b).

3. The approved APD will contain Conditions of Approval that reflect necessary mitigation measures. In accordance with 43 CFR 3101.1–2 and 36 CFR 228.107, the BLM or the FS may require reasonable mitigation measures to ensure that the proposed operations minimize adverse impacts to other resources, uses, and users, consistent with granted lease rights. The BLM will incorporate any mitigation requirements, including Best Management Practices, identified through the APD review and appropriate NEPA and related analyses, as Conditions of Approval to the APD.

4. The BLM will establish the terms and Conditions of Approval for any associated Right-of-Way when the application is approved.

b. For NFS lands, the FS will establish the terms and Conditions of Approval for both the Surface Use Plan of Operations and any associated Surface Use Authorization. On NFS lands the FS has principal responsibility for compliance with NEPA, the National Historic Preservation Act, and the Endangered Species Act, but the BLM should be a cooperating or co-lead agency for this purpose and adopt the analysis as the basis for its decision.

After the FS notifies the BLM it has approved a Surface Use Plan of Operations on NFS lands, the BLM must approve the APD before the operator may begin any surface-disturbing activity.

c. On Indian lands, BIA has responsibility for approving Rights-of-Way.

d. In the case of Indian lands, the BLM may be a cooperating or co-lead agency for NEPA compliance or may adopt the NEPA analysis prepared by the BIA (516 DM 3).

G. Valid Period of Approved APD

1. An APD approval is valid for 2 years from the date that it is approved, or until lease expiration, whichever occurs first. If the operator submits a written request before the expiration of the original approval, the BLM, in coordination with the FS, as appropriate may extend the APD's validity for up to 2 additional years.

2. The operator is responsible for reclaiming any surface disturbance that resulted from its actions, even if a well was not drilled.

H. Master Development Plans

An operator may elect to submit a Master Development Plan addressing two or more APDs that share a common drilling plan, Surface Use Plan of Operations, and plans for future development and production. Submitting a Master Development Plan facilitates early planning, orderly development, and the cumulative effects analysis for all the APDs expected to be drilled by an operator in a developing field. Approval of a Master Development Plan serves as approval of all of the the APDs submitted with the Plan. Processing of a Master Development Plan follows the procedures in Section III.E.2. of this Order. After the Master Development Plan is approved, subsequent APDs can reference the Master Development Plan and be approved using the NEPA analysis for the Master Development Plan, absent substantial deviation from the Master Development Plan previously analyzed or significant new information relevant to environmental effects. Therefore, an approved Master Development Plan results in timelier processing of subsequent APDs. Each subsequent proposed well must have a survey plat and an APD (Form 3160–3) that references the Master Development Plan and any specific variations for that well.

IV. General Operating Requirements

Operator Responsibilities

In the APD package, the operator must describe or show, as set forth in this Order, the procedures, equipment, and materials to be used in the proposed operations. The operator must conduct operations to minimize adverse effects to surface and subsurface resources, prevent unnecessary surface disturbance, and conform with currently available technology and practice. While appropriate compliance with certain statutes, such as NEPA, the National Historic Preservation Act, and the Endangered Species Act, are Federal responsibilities, the operator may choose to conduct inventories and provide documentation to assist the BLM or the Surface Managing Agency to meet these requirements. The inventories and other work may require entering the lease and adjacent lands before approval of the APD. As in Staking and Surveying, the operator should make a good faith effort to contact the Surface Managing Agency or surface owner before entry upon the lands for these purposes.

The operator can not commence either drilling operations or preliminary construction activities before the BLM's approval of the APD. A copy of the approved APD and any Conditions of Approval must be available for review at the drill site. Operators are responsible for their contractor and subcontractor's compliance with the requirements of the approved APD and/or Surface Use Plan of Operations. Drilling without approval or causing surface disturbance without approval is a violation of 43 CFR 3162.3–1(c) and is subject to a monetary assessment under 43 CFR 3163.1(b)(2).

The operator must comply with the provisions of the approved APD and applicable laws, regulations, Orders, and Notices to Lessees, including, but not limited to, those that address the issues described below.

a. *Cultural and Historic Resources.* If historic or archaeological materials are uncovered during construction, the operator must immediately stop work that might further disturb such materials, contact the BLM and if appropriate, the FS or other Surface Managing Agency. The BLM or the FS will inform the operator within 7 days after the operator contacted the BLM as to whether the materials appear eligible for listing on the National Register of Historic Places.

If the operator decides to relocate operations to avoid further costs to mitigate the site, the operator remains responsible for recording the location of any historic or archaeological resource that are discovered as a result of the operator's actions. The operator also is responsible for stabilizing the exposed cultural material if the operator created an unstable condition that must be addressed immediately. The BLM, the FS, or other appropriate Surface Managing Agency, will assume responsibility for evaluation and determination of significance related to the historic or archaeological site.

If the operator does not relocate operations, the operator is responsible for mitigation and stabilization costs and the BLM, the FS, or appropriate Surface Managing Agency will provide technical and procedural guidelines for conducting mitigation. The operator may resume construction operations when the BLM or the FS verifies that the operator has completed the required mitigation.

Relocation of activities may subject the proposal to additional environmental review. Therefore, if the presence of such sites is suspected, the operator may want to submit alternate locations for advance approval before starting construction.

b. *Endangered Species Act.* To comply with the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations, the operator must conduct all operations such that all operations avoid a ''take'' of listed or proposed threatened or endangered species and their critical habitats.

c. *Surface Protection.* Except as otherwise provided in an approved Surface Use Plan of Operations, the operator must not conduct operations in areas subject to mass soil movement, riparian areas, floodplains, lakeshores, and/or wetlands. The operator also must take measures to minimize or prevent erosion and sediment production. Such measures may include, but are not limited to:

- Avoiding steep slopes and excessive land clearing when siting structures, facilities, and other improvements; and
- Temporarily suspending operations when frozen ground, thawing, or other weather-related conditions would cause otherwise avoidable or excessive impacts.

d. *Safety Measures.* The operator must maintain structures, facilities, improvements, and equipment in a safe condition in accordance with the approved APD. The operator must also take appropriate measures as specified in Orders and Notices to Lessees to protect the public from any hazardous conditions resulting from operations.

In the event of an emergency, the operator may take immediate action without prior Surface Managing Agency approval to safeguard life or to prevent significant environmental degradation. The BLM or the FS must receive notification of the emergency situation and the remedial action taken by the operator as soon as possible, but not later than 24 hours after the emergency occurred. If the emergency only affected

drilling operations and had no surface impacts, only the BLM must be notified. If the emergency involved surface resources on other Surface Managing Agency lands, the operator should also notify the Surface Managing Agency and private surface owner within 24 hours. Upon conclusion of the emergency, the BLM or the FS, where appropriate, will review the incident and take appropriate action.

e. *Completion Reports.* Within 30 days after the well completion, the lessee or operator must submit to the BLM two copies of a completed Form 3160–4, Well Completion or Recompletion Report and Log. Well logs may be submitted to the BLM in an electronic format such as ''.LAS'' format. Surface and bottom-hole locations must be in latitude and longitude.

V. Rights-of-Way and Special Use Authorizations

The BLM or the FS will notify the operator of any additional Rights-of-Way, Special Use Authorizations, licenses, or other permits that are needed for roads and support facilities for drilling or off-lease access, as appropriate. This notification will normally occur at the time the operator submits the APD or Notice of Staking package, or Sundry Notice, or during the onsite inspection.

The BLM or the FS, as appropriate, will approve or accept on-lease activities that are associated with actions proposed in the APD or Sundry Notice and that will occur on the lease as part of the APD or Sundry Notice. These actions do not require a Right-of-Way or Special Use Authorization. For pipeline Rights-of-Way crossing lands under the jurisdiction of two or more Federal Surface Managing Agencies, except lands in the National Park Service or Indian lands, applications should be submitted to the BLM. Refer to 43 CFR parts 2800 and 2880 for guidance on BLM Rights-of-Way and 36 CFR part 251 for guidance on FS Special Use Authorizations.

A. Rights-of-Way (BLM)

For BLM lands, the APD package may serve as the supporting document for the Right-of-Way application in lieu of a Right-of-Way plan of development. Any additional information specified in 43 CFR parts 2800 and 2880 will be required in order to process the Right-of-Way.

The BLM will notify the operator within 10 days of receipt of a Notice of Staking, APD, or other notification if any parts of the project require a Right-of-Way. If a Right-of-Way is needed, the information required from the operator to approve the Right-of-Way may be submitted by the operator with the APD package if the Notice of Staking option has been used.

B. Special Use Authorizations (FS) (36 CFR 251 Subpart B)

When a Special Use Authorization is required, the Surface Use Plan of Operations may serve as the application for the Special Use Authorization if the facility for which a Special Use Authorization is required is adequately described (*see* 36 CFR 251.54(d)(ii)). Conditions regulating the authorized use may be imposed to protect the public interest, to ensure compatibility with other NFS lands programs and activities consistent with the Forest Land and Resources Management Plan. A Special Use Authorization, when related to an APD, will include terms and conditions (36 CFR 251.56) and may require a specific reclamation plan or incorporate applicable parts of the Surface Use Plan of Operations by reference.

VI. Operating on Lands With Non-Federal Surface and Federal Oil and Gas

The operator must submit the name, address, and phone number of the surface owner, if known, in its APD. The BLM will invite the surface owner to the onsite inspection to assure that their concerns are considered. As provided in the oil and gas lease, the BLM may request that the applicant conduct surveys or otherwise provide information needed for the BLM's National Historic Preservation Act consultation with the State Historic Preservation Officer or Indian tribe or its Endangered Species Act consultation with the relevant fisheries agency. The Federal mineral lessee has the right to enter the property for this purpose, since it is a necessary prerequisite to development of the dominant mineral estate. Nevertheless, the lessee or operator should seek to reach agreement with the surface owner about the time and method by which any survey would be conducted.

Likewise, in the case of actual oil and gas operations, the operator must make a good faith effort to notify the private surface owner before entry and make a good faith effort to obtain a Surface Access Agreement from the surface owner. This section also applies to lands with Indian trust surface and Federal minerals. In these cases, the operator must make a good faith effort to obtain surface access agreement with the tribe in the case of tribally owned surface, otherwise with the majority of the Indian surface owners who can be located with the assistance and concurrence of the BIA. The Surface Access Agreement may include terms or conditions of use, be a waiver, or an agreement for compensation. The operator must certify to the BLM that: (1) It made a good faith effort to notify the surface owner before entry; and (2) That an agreement with the surface owner has been reached or that a good faith effort to reach an agreement failed. If no agreement was reached with the surface owner, the operator must submit an adequate bond (minimum of $1,000) to the BLM for the benefit of the surface owner sufficient to: (1) Pay for loss or damages; or (2) As otherwise required by the specific statutory authority under which the surface was patented and the terms of the lease.

Surface owners have the right to appeal the sufficiency of the bond. Before the approval of the APD, the BLM will make a good faith effort to contact the surface owner to assure that they understand their rights to appeal.

The BLM must comply with NEPA, the National Historic Preservation Act, the Endangered Species Act, and related Federal statutes when authorizing lease operations on split estate lands where the surface is not federally owned and the oil and gas is Federal. For split estate lands within FS administrative boundaries, the BLM has the lead responsibility, unless there is a local BLM/FS agreement that gives the FS this responsibility.

The operator must make a good faith effort to provide a copy of their Surface Use Plan of Operations to the surface owner. After the APD is approved the operator must make a good faith effort to provide a copy of the Conditions of Approval to the surface owner. The APD approval is not contingent upon delivery of a copy of the Conditions of Approval to the surface owner.

VII. Leases for Indian Oil and Gas

A. Approval of Operations

The BLM will process APDs, Master Development Plans, and Sundry Notices on Indian tribal and allotted oil and gas leases, and Indian Mineral Development Act mineral agreements in a manner similar to Federal leases. For processing such applications, the BLM considers the BIA to be the Surface Managing Agency. Operators are responsible for obtaining any special use or access permits from appropriate BIA and, where applicable, tribal offices. The BLM is not required to post for public inspection APDs for minerals subject to Indian oil and gas leases or agreements.

B. Surface Use

Where the wellsite and/or access road is proposed on Indian lands with a different beneficial owner than the minerals, the operator is responsible for entering into a surface use agreement with the Indian tribe or the individual Indian surface owner, subject to BIA approval. This agreement must specify the requirements for protection of surface resources, mitigation, and reclamation of disturbed areas. The BIA, the Indian surface owner, and the BLM, pursuant to 25 CFR 211.4, 212.4 and 225.4, will develop the Conditions of Approval. If the operator is unable to obtain a surface access agreement, it may provide a bond for the benefit of the surface owner(s) (see Section VI. of the Order).

VIII. Subsequent Operations and Sundry Notices

Subsequent operations must follow 43 CFR part 3160, applicable lease stipulations, and APD Conditions of Approval. The operator must file the Sundry Notice in the BLM Field Office having jurisdiction over the lands described in the notice or the operator may file it using the BLM's electronic commerce system.

A. Surface Disturbing Operations

Lessees and operators must submit for BLM or FS approval a request on Form 3160–5 before:

- Undertaking any subsequent new construction outside the approved area of operations; or
- Reconstructing or altering existing facilities including, but not limited to, roads, emergency pits, firewalls, flowlines, or other production facilities on any lease that will result in additional surface disturbance.

If, at the time the original APD was filed, the lessee or operator elected to defer submitting information under Section III.E.3.d. (Location of Existing and/or Proposed Facilities) of this Order, the lessee or operator must supply this information before construction and installation of the facilities. The BLM, in consultation with any other involved Surface Managing Agency, may require a field inspection before approving the proposal. The lessee or operator may not begin construction until the BLM approves the proposed plan in writing.

The operator must certify on Form 3160–5 that they have made a good faith effort to provide a copy of any proposal involving new surface disturbance to the private surface owner in the case of split estate.

B. Emergency Repairs

Lessees or operators may undertake emergency repairs without prior approval if they promptly notify the BLM. Lessees or operators must submit sufficient information to the BLM or the FS to permit a proper evaluation of any:

- Resulting surface disturbing activities; or
- Planned accommodations necessary to mitigate potential adverse environmental effects.

IX. Well Conversions

A. Conversion to an Injection Well

When subsequent operations will result in a well being converted to a Class II injection well (*i.e.*, for disposal of produced water, oil and gas production enhancement, or underground storage of hydrocarbons), the operator must file with the appropriate BLM office a Sundry Notice, Notice of Intent to Convert to Injection on Form 3160–5. The BLM and the Surface Managing Agency, if applicable, will review the information to ensure its technical and administrative adequacy. Following the review, the BLM, in consultation with the Surface Managing Agency, where applicable, will decide upon the approval or disapproval of the application based upon relevant laws and regulations and the circumstances (e.g., the well used for lease or non-lease operations, surface ownership, and protection of subsurface mineral ownership). The BLM will determine if a Right-of-Way or Special Use Authorization and additional bonding are necessary and notify the operator.

B. Conversion to a Water Supply Well

In cases where the Surface Managing Agency or private surface owner desires to acquire an oil and gas well and convert it to a water supply well or acquire a water supply well that was drilled by the operator to support lease operations, the Surface Managing Agency or private surface owner must inform the appropriate BLM office of its intent before the approval of the APD in the case of a dry hole and no later than the time a Notice of Intent to Abandon is submitted for a depleted production well. The operator must abandon the well according to BLM instructions, and must complete the surface cleanup and reclamation, in conjunction with the approved APD, Surface Use Plan of Operations, or Notice of Intent to Abandon, if the BLM or the FS require it. The Surface Managing Agency or private surface owner must reach agreement with the operator as to the satisfactory completion of reclamation operations before the BLM will approve any abandonment or reclamation. The BLM approval of the partial abandonment under this section, completion of any required reclamation operations, and the signed release agreement will relieve the operator of further obligation for the well. If the Surface Managing Agency or private surface owner acquires the well for water use purposes, the party acquiring the well assumes liability for the well.

X. Variances

The operator may make a written request to the agency with jurisdiction to request a variance from this Order. A request for a variance must explain the reason the variance is needed and demonstrate how the operator will satisfy the intent of the Order. The operator may include the request in the APD package. A variance from the requirements of this Order does not constitute a variance to provisions of other regulations, laws, or orders. When the BLM is the decision maker on a request for a variance, the decision whether to grant or deny the variance request is entirely within the BLM's discretion. The decision on a variance request is not subject to administrative appeals either to the State Director or pursuant to 43 CFR part 4.

XI. Waivers, Exceptions, or Modifications

An operator may also request that the BLM waive (permanently remove), except (case-by-case exemption) or modify (permanently change) a lease stipulation for a Federal lease. In the case of Federal leases, a request to waive, except, or modify a stipulation should also include information demonstrating that the factors leading to its inclusion in the lease have changed sufficiently to make the protection provided by the stipulation no longer justified or that the proposed operation would not cause unacceptable impacts.

When the waiver, exception, or modification is substantial, the proposed waiver, exception, or modification is subject to public review for 30 days. Prior to such public review, the BLM, and when applicable the FS, will post it in their local Field Office and, when possible, electronically on the internet. When the request is included in the Notice of Staking or APD, the request will be included as part of the application posting under Section III.C. of this Order. Prior to granting a waiver, exception, or modification, the BLM will obtain the concurrence or approval of the FS or Federal Surface Managing Agency. Decisions on such waivers, exceptions,

or modifications are subject to appeal pursuant to 43 CFR part 4.

After drilling has commenced, the BLM and the FS may consider verbal requests for waivers, exceptions, or modifications. However, the operator must submit a written notice within 7 days after the verbal request. The BLM and the FS will confirm in writing any verbal approval. Decisions on waivers, exceptions, or modifications submitted after drilling has commenced are final for the Department of the Interior and not subject to administrative review by the State Director or appeal pursuant to 43 CFR part 4.

XII. Abandonment

In accordance with the requirements of 43 CFR 3162.3–4, before starting abandonment operations the operator must submit a Notice of Intent to Abandon on Sundry Notices and Reports on Wells, Form 3160–5. If the operator proposes to modify the plans for surface reclamation approved at the APD stage, the operator must attach these modifications to the Notice of Intent to Abandon.

A. Plugging

The operator must obtain BLM approval for the plugging of the well by submitting a Notice of Intent to Abandon. In the case of dry holes, drilling failures, and in emergency situations, verbal approval for plugging may be obtained from the BLM, with the Notice of Intent to Abandon promptly submitted as written documentation. Within 30 days following completion of well plugging, the operator must file with the BLM a Subsequent Report of Plug and Abandon, using Sundry Notices and Reports on Wells, Form 3160–5. For depleted production wells, the operator must submit a Notice of Intent to Abandon and obtain the BLM's approval before plugging.

B. Reclamation

Plans for surface reclamation are a part of the Surface Use Plan of Operations, as specified in Section III.D.4.j., and must be designed to return the disturbed area to productive use and to meet the objectives of the land and resource management plan. If the operator proposes to modify the plans for surface reclamation approved at the APD stage, the operator must attach these modifications to the Subsequent Report of Plug and Abandon using Sundry Notices and Reports on Wells, Form 3160–5.

For wells not having an approved plan for surface reclamation, operators must submit to the BLM a proposal describing the procedures to be followed for complete abandonment, including a map showing the disturbed area and roads to be reclaimed. The BLM will forward the request to the FS or other Surface Managing Agency. If applicable, the private surface owner will be notified and their views will be carefully considered.

Earthwork for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). All pads, pits, and roads must be reclaimed to a satisfactorily revegetated, safe, and stable condition, unless an agreement is made with the landowner or Surface Managing Agency to keep the road or pad in place. Pits containing fluid must not be breached (cut) and pit fluids must be removed or solidified before backfilling. Pits may be allowed to air dry subject to BLM or FS approval, but the use of chemicals to aid in fluid evaporation, stabilization, or solidification must have prior BLM or FS approval. Seeding or other activities to reestablish vegetation must be completed within the time period approved by the BLM or the FS.

Upon completion of reclamation operations, the lessee or operator must notify the BLM or the FS using Form 3160–5, Final Abandonment Notice, when the location is ready for inspection. Final abandonment will not be approved until the surface reclamation work required in the Surface Use Plan of Operations or Subsequent Report of Plug and Abandon has been completed to the satisfaction of the BLM or the FS and Surface Managing Agency, if appropriate.

XIII. Appeal Procedures

Complete information concerning the review and appeal processes for BLM actions is contained in 43 CFR part 4 and subpart 3165. Incorporation of a FS approved Surface Use Plan of Operations into the approval of an APD or a Master Development Plan is not subject to protest to the BLM or appeal to the Interior Board of Land Appeals.

The FS's decisions approving use of NFS lands may be subject to agency appeal procedures, in accordance with 36 CFR parts 215 or 251.

Decisions governing Surface Use Plan of Operations and Special Use Authorization approvals on NFS lands that involve analysis, documentation, and other requirements of the NEPA may be subject to agency appeal procedures, under 36 CFR part 215.

The FS's regulations at 36 CFR part 251 govern appeals by an operator of written FS decisions related to Conditions of Approval or administration of Surface Use Plans of Operations or Special Use Authorizations to occupy and use NFS lands.

The operator may appeal decisions of the BIA under 25 CFR part 2.

Attachment I—Sample Format for Notice of Staking

Attachment I Sample Format for Notice of Staking

(Not to be used in place of Application for Permit to Drill or Reenter Form 3160–3)

1. Oil Well
Gas Well
Other (Specify)
2. Name, Address, and Telephone of Operator
3. Name and Telephone of Specific Contact Person
4. Surface Location of Well
Attach:
(a) Sketch showing road entry onto pad, pad dimensions, and reserve pit
(b) Topographical or other acceptable map (e.g., a USGS 7½″ Quadrangle) showing location, access road, and lease boundaries
5. Lease Number
6. If Indian, Allottee or Tribe Name
7. Unit Agreement Name
8. Well Name and Number
9. American Petroleum Institute (API) Well Number (if available)
10. Field Name or Wildcat
11. Section, Township, Range, Meridian; or Block and Survey; or Area
12. County, Parish, or Borough
13. State
14. Name and Depth of Formation Objective(s)
15. Estimated Well Depth
16. For directional or horizontal wells, anticipated bottom-hole location.
17. Additional Information (as appropriate; include surface owner's name, address and, if known, telephone).

18. Signed _____Title_____ Date

Note: When the Bureau of Land Management or the Forest Service, as appropriate, receives this Notice, the agency will schedule the date of the onsite inspection. You must stake the location and flag the access road before the onsite inspection. Operators should consider the following before the onsite inspection and incorporate these considerations into the Notice of Staking Option, as appropriate:

(a) H_2S Potential;
(b) Cultural Resources (Archeology); and
(c) Federal Right-of-Way or Special Use Permit.

[FR Doc. 07–934 Filed 3–6–07; 8:45 am]

BILLING CODES 3410–11–P; 4310–84–P

Reader Aids

Federal Register

Vol. 72, No. 44

Wednesday, March 7, 2007

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives. gov/federal__register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, MARCH

9233–9432 1
9433–9650 2
9651–9840 5
9841–10032 6
10033–10338 7

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

10093

2 CFR

376 9233
601 10033
3369 9235

3 CFR

Proclamations:
6641 (See Proclamation 8111) 10025
8031 (Amended by Proclamation 8112) 10031
8107 9431
8108 9641
8109 9643
8110 9649
8111 10025
8112 10031
Executive Orders:
11651 (See Proclamation 8111) 10025
13288 (See Notice of February 28, 2007) 9645
13391 (See Notice of February 28, 2007) 9645
Administrative Orders:
Notices:
Notice of February 28, 2007 9645

7 CFR

52 10035
984 9841
Proposed Rules:
205 9872
932 10091

9 CFR

317 9651
381 9651

10 CFR

431 10038
Proposed Rules:
50 9708

14 CFR

39 .....9237, 9652, 9655, 9657, 9658, 9660, 9662, 9666, 9843, 10049, 10052, 10054, 10057
71 .....9238, 9239, 10059
91 9845
97 9846
Proposed Rules:
25 9273
39 .....9276, 9475, 9877, 9880,

15 CFR

740 9847
742 9847
744 9433
774 9847

16 CFR

0 9434

17 CFR

Proposed Rules:
240 9412
249 9412

18 CFR

Proposed Rules:
Ch. I 9281

19 CFR

12 10004
163 10004
361 10004

20 CFR

404 9239
416 9239
Proposed Rules:
404 9709
416 9709

21 CFR

14 9674
310 9849
358 9849
520 9242
522 .....9242, 9243
558 .....9244, 9245

22 CFR

41 10060
99 9852
133 10033
137 10033
145 10033
Proposed Rules:
51 10095

25 CFR

61 9836

26 CFR

1 .....9245, 9262
Proposed Rules:
1 9284
301 9712

28 CFR

0 10064
5 10064
12 10064

17 10064
65 10064
73 10064

29 CFR

2530 10070
Proposed Rules:
1910 9716

30 CFR

942 9616
Proposed Rules:
250 9884

33 CFR

117 ....9435, 9854, 9855
165 9436
Proposed Rules:
100 9477
165 9901

36 CFR

228 10308

40 CFR

52 ....9263, 9441
180 ....9834, 10074
300 10078
Proposed Rules:
60 9903
63 9718
81 9285
300 10105

41 CFR

102–35 10084

42 CFR

Proposed Rules:
405 9479
424 9479
498 9479

43 CFR

3160 10308

44 CFR

67 9675

45 CFR

74 9233
76 9233
1169 9235
Proposed Rules:
98 9491

47 CFR

Proposed Rules:
76 9289

48 CFR

Ch. 44 9445

49 CFR

211 10086
393 9855
Proposed Rules:
229 9904

50 CFR

229 ....9446, 9448
622 ....10088, 10089
665 10090
679 ....9272, 9450, 9451, 9676
Proposed Rules:
17 9913
223 9297
622 9499
648 9719
665 9500

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT MARCH 7, 2007

COMMERCE DEPARTMENT

Economic Analysis Bureau

International services surveys:

BE-125; transactions in selected services and intangible assets with foreign persons; quarterly survey; published 2-5-07

BE-185; financial services transactions between U.S. providers and foreign persons; quarterly survey; published 2-5-07

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

Gulf of Mexico reef fish; published 12-6-06

ENVIRONMENTAL PROTECTION AGENCY

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Polymer of 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, oxirane, methyloxirane, 1,2-epoxyalkanes; published 3-7-07

PERSONNEL MANAGEMENT OFFICE

Health benefits, Federal employees:

Payment of premiums for periods of leave without pay or insufficient pay; published 2-5-07

STATE DEPARTMENT

Grants and agreements:

Nonprocurement debarment and suspension; OMB guidance; implementation; published 3-7-07

Visas; nonimmigrant documentation:

Exchange visitors; published 3-7-07

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; published 1-31-07

Class E airspace; published 3-7-07

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Bovine spongiform encephalopathy; minimal-risk regions; importation of live bovines and products derived from bovines; comments due by 3-12-07; published 1-9-07 [FR 07-00017]

Cattle export; pre-export tuberculosis and brucellosis testing requirement; elimination; comments due by 3-12-07; published 1-10-07 [FR E7-00111]

COMMERCE DEPARTMENT

Industry and Security Bureau

Export administration regulations:

License exceptions; destinations of diversion concern; Country Group C designation; comments due by 3-12-07; published 2-26-07 [FR E7-03252]

CONSUMER PRODUCT SAFETY COMMISSION

Federal Hazardous Substances Act:

Children's jewelry containing lead; injury risk; comment request; comments due by 3-12-07; published 1-9-07 [FR E7-00109]

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Energy conservation:

Commercial and industrial equipment, energy efficiency program-

Distribution transformers; comments due by 3-12-07; published 2-9-07 [FR E7-02168]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Natural Gas Policy Act:

Interstate natural gas pipelines; capacity release policies; comment request; comments due by 3-12-07; published 1-10-07 [FR E7-00128]

Standards of conduct:

Natural gas pipeline transmission providers; comments due by 3-15-07; published 1-29-07 [FR E7-01118]

ENVIRONMENTAL PROTECTION AGENCY

Air pollution; standards of performance for new stationary sources:

Electric utility steam generating units and industrial-commercial-institutional steam generating units; comments due by 3-12-07; published 2-9-07 [FR E7-01881]

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Florida; comments due by 3-12-07; published 2-8-07 [FR E7-02117]

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:

California; comments due by 3-16-07; published 2-14-07 [FR E7-02538]

Air quality implementation plans; approval and promulgation; various States:

West Virginia; comments due by 3-12-07; published 2-8-07 [FR E7-02126]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Beauveria Bassiana HF23; comments due by 3-12-07; published 1-10-07 [FR E7-00170]

Toxic substances:

Significant new uses—

2,3,5,6-tetrachloro-2,5-cyclohexadiene-1,4-dione; comments due by 3-16-07; published 1-30-07 [FR E7-01413]

FEDERAL DEPOSIT INSURANCE CORPORATION

Deposit insurance coverage; large-bank deposit insurance determination modernization proposal; comments due by 3-13-07; published 12-13-06 [FR E6-21143]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Human and animal drugs:

Cattle material; prohibited use in medical products for humans and drugs intended for use in ruminants; comments due by 3-13-07; published 1-12-07 [FR E6-22329]

Human drugs:

Investigational drugs; sale; comments due by 3-14-07; published 12-14-06 [FR 06-09685]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Pollution:

Mandatory ballast water management reporting and recordkeeping requirements; comments due by 3-16-07; published 11-8-06 [FR E6-18903]

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Sacramento River, CA; comments due by 3-14-07; published 3-6-07 [FR E7-03804]

Savannah River, Savannah GA; comments due by 3-12-07; published 1-9-07 [FR 07-00038]

INTERIOR DEPARTMENT

Indian Affairs Bureau

Indian trust management reform; comments due by 3-12-07; published 1-25-07 [FR 07-00325]

INTERIOR DEPARTMENT

Indian trust management reform; comments due by 3-12-07; published 1-25-07 [FR 07-00325]

PERSONNEL MANAGEMENT OFFICE

Civil service regulations:

Student loans repayment; comments due by 3-12-07; published 1-9-07 [FR E7-00101]

SECURITIES AND EXCHANGE COMMISSION

Electronic Data Gathering, Analysis, and Retrieval System (EDGAR):

Interactive data voluntary reporting program; mutual fund risk/return summary information data tagging; comments due by 3-14-07; published 2-12-07 [FR E7-02254]

Securities:

Credit Rating Agency Reform Act of 2006; implementation—

Nationally recognized statistical rating organizations; comments due by 3-12-07; published 2-9-07 [FR 07-00548]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 3-12-07; published 2-8-07 [FR E7-01883]
Boeing; comments due by 3-13-07; published 1-12-07 [FR E7-00220]
British Aerospace Regional Aircraft; comments due by 3-14-07; published 2-12-07 [FR E7-02312]
Empresa Brasileira de Aeronautica S.A. (EMBRAER); comments due by 3-12-07; published 1-10-07 [FR E7-00147]
Latinoamericana de Aviacion S.A.; comments due by 3-16-07; published 2-14-07 [FR E7-02508]
Robinson Helicopter Co.; comments due by 3-12-07; published 1-9-07 [FR 07-00026]
Airworthiness standards:
Special conditions—
Aviation Technology Group Javelin Model 100 airplane; comments due by 3-12-07; published 2-8-07 [FR E7-02097]
Quest Aircraft Co. Kodiak Model 100 airplane; comments due by 3-12-07; published 2-8-07 [FR E7-02098]
Class D airspace; comments due by 3-15-07; published 1-9-07 [FR 07-00008]
Class E airspace; comments due by 3-15-07; published 2-26-07 [FR 07-00804]
TREASURY DEPARTMENT
Fiscal Service
Financial Management Service:
Federal nontax payments to collect delinquent debts owed to States; comments due by 3-12-07; published 1-11-07 [FR E7-00127]
VETERANS AFFAIRS DEPARTMENT
Medical benefits:
Medical care or services; reasonable charges; comments due by 3-15-07; published 2-13-07 [FR E7-02391]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 742 / Public Law 110–6
Antitrust Modernization Commission Extension Act of 2007 (Feb. 26, 2007; 121 Stat. 61; 1 page)

Last List February 20, 2007

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.